

HOUSE OF REPRESENTATIVES.

THURSDAY, January 10, 1907.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

LIEUTENANT-GENERAL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] submits a privileged report from the Committee on Rules, which the Clerk will read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the resolution of the House No. 738, have had the same under consideration and recommend that the following resolution be agreed to in lieu thereof:

"Resolved, That in considering in Committee of the Whole House on the state of the Union the bill H. R. 23551, 'A bill making appropriations for the support of the Army for the fiscal year ending June 30, 1908,' it shall be in order to consider as an amendment thereto the following: 'When the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine, but nothing in this provision shall affect the retired list.'"

Mr. DALZELL. Mr. Speaker, on the adoption of the resolution I ask for the previous question.

The previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, it seems to me hardly necessary to spend any time in explanation of this rule. The amendment suggested, abolishing the office of Lieutenant-General when the next vacancy occurs, was part of the text of the Army bill as it was reported to the House from the Committee on Military Affairs. When that portion of the bill was reached, a point of order was made that it was new legislation, and the point of order was sustained and the paragraph went out.

It seems to the committee that in submitting this rule they are simply furnishing the House an opportunity to put into legislation what has heretofore been declared to be the will of the House. There is no doubt that there is an almost unanimous consensus of opinion that the amendment ought to be adopted. This was evidenced by the action of the House at the last session of Congress, when, although it refused to pass such an amendment because it would then have applied to two major-generals who had been designated to fill the place, it did subsequently pass in a special bill substantially the same provision that is now submitted. I believe that there is an opinion prevailing that it was a mistake to create the office of Lieutenant-General for any officer after the death of General Sheridan; that the distinction should have been confined to Generals Grant, Sherman, and Sheridan. But as often as one officer after another of the civil war attained to the position where he would be entitled to this place, if it was to be created, Congress felt it would be unfair to deprive him of what his predecessors had had. The reason that existed for giving this distinction to these officers has now ceased to exist. All the officers of the civil war who would be entitled by reason of their seniority to become Lieutenant-Generals have been provided for, and if the office is to continue it will be conferred hereafter upon those who have had no connection with the civil war.

I want to say here, while I am on the floor, it is a great mistake to assume, as I have heard it assumed on the outside, that this measure is aimed at the interest of some or any Army officer. The measure is intended, I think, by the House to be passed as a measure of justice, because the reason existing for the creation of the office has ceased, and the office should likewise cease with the reason. The legislation has no particular party or parties in view.

I am ready to yield time to any gentleman who desires it. If no one desires time, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution. The question was taken; and the resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6137. An act granting an increase of pension to Fannie L. Pike;

S. 6145. An act granting an increase of pension to Enoch Bolles;

S. 6587. An act granting an increase of pension to Marcus M. Currier;

S. 6656. An act granting an increase of pension to Eli M. Skinner;

S. 6823. An act granting an increase of pension to John H. Holsey;

S. 6828. An act granting an increase of pension to Walter D. Greene;

S. 7295. An act granting an increase of pension to Gabriel Campbell;

S. 7384. An act granting an increase of pension to Orson B. Johnson;

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906;

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy; and

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 7372. An act to authorize the acceptance by the Secretary of the Navy, as a gift, of a sailboat for use of the midshipmen at the Naval Academy—to the Committee on Naval Affairs.

S. 6578. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, and to amend an act amendatory thereof approved June 20, 1906—to the Committee on the District of Columbia.

S. 7295. An act granting an increase of pension to Gabriel Campbell—to the Committee on Invalid Pensions.

S. 6828. An act granting an increase of pension to Walter D. Greene—to the Committee on Invalid Pensions.

S. 6823. An act granting an increase of pension to John H. Holsey—to the Committee on Invalid Pensions.

S. 6587. An act granting an increase of pension to Marcus M. Currier—to the Committee on Invalid Pensions.

S. 6145. An act granting an increase of pension to Enoch Bolles—to the Committee on Invalid Pensions.

S. 6137. An act granting an increase of pension to Fannie L. Pike—to the Committee on Invalid Pensions.

S. 6656. An act granting an increase of pension to Eli M. Skinner—to the Committee on Invalid Pensions.

S. 7384. An act granting an increase of pension to Orson B. Johnson—to the Committee on Invalid Pensions.

S. R. 81. Joint resolution authorizing temporary leaves of absence for homestead settlers—to the Committee on the Public Lands.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 21202. An act fixing the time for homestead entrymen on lands embraced in the Wind River or Shoshone Indian Reservation to establish residence on same; and

H. R. 21951. An act to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across the Tombigbee River, in the State of Alabama.

ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill making appropriations for the Army.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the Army appropriation bill.

Mr. HULL. Mr. Chairman, under authority of the rule just adopted, I move to insert the following on page 5, after the word "dollars," in line 16:

Provided, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: Provided further, That nothing in this provision shall affect the retired list.

The CHAIRMAN. The Chair is of the opinion that probably the point of order pending should be disposed of before this amendment is offered; but without objection, the Chair will entertain the amendment now.

Mr. MADDEN. I would like to hear that amendment read again.

The CHAIRMAN. The amendment has not yet been read. The Clerk will report the amendment:

The Clerk read as follows:

On page 5, after line 16, insert the following:

"Provided, That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: Provided further, That nothing in this provision shall apply to the retired list."

Mr. MADDEN. Why does not that apply to the existing law?

Mr. HULL. It does apply to those who are on the active list but does not apply to those on the retired list and does not apply to General MacArthur, who will go on the retired list in 1909.

Mr. MADDEN. Is that specifically covered?

Mr. HULL. I think it is.

Mr. CRUMPACKER. There can be no promotion?

Mr. HULL. After General MacArthur goes out there can be no other promotion on the active list.

Mr. CRUMPACKER. There is no promotion of men on the retired list.

Mr. HULL. Not at all.

Mr. CRUMPACKER. That is the understanding, that men on the retired list can not be promoted.

Mr. HULL. There has never been any promotion upon the retired list except by act of Congress and can not be.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. GROSVENOR. I ask for a division.

The committee divided, and there were—ayes 84, noes 0.

So the amendment was agreed to.

Mr. HULL. Mr. Chairman, in regard to the point of order that was under discussion at the hour of adjournment last evening, I desire to submit the following full information on the point suggested by the Chair.

The Clerk read as follows:

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER-GENERAL,
Washington, January 10, 1907.

Hon. A. T. HULL,
Chairman of Committee on Military Affairs,
House of Representatives.

SIR: In reply to your inquiry I have the honor to inform you that allotments made in the past of funds for the construction of barracks, quarters, and other quartermaster buildings for the Coast Artillery have been made in the same manner as have such allotments for the construction of similar structures for the cavalry and infantry. That is, for buildings costing more than \$20,000 each allotments have been made from the appropriation for military posts, carried on the sundry civil bill, and for buildings costing less than \$20,000 each allotments have been made from the appropriation for barracks and quarters carried on the Army appropriation bill.

Very respectfully,

C. F. HUMPHREY,
Quartermaster-General United States Army.

Mr. HULL. If the gentleman wants anything further I simply add that that carries out my contention that the Committee on Military Affairs has only attempted to segregate the authorizations of these buildings, and it does not change the method of building or the character of buildings heretofore carried in the appropriation bills covered by barracks and quarters at posts in the two bills in which such items are carried.

Mr. TAWNEY. Mr. Chairman, whatever the practice of the Department has been with respect to the expenditure of the appropriations for barracks and quarters is not material in the discussion or consideration of the point of order that is now before the Chair. I wish to give the Chair some information respecting the history of appropriations for barracks and quarters for the seacoast artillery. The first appropriation that Congress ever authorized for this purpose was in 1896. It was carried in the fortifications appropriation bill reported from the Committee on Appropriations, under the head of "Gun and mortar batteries."

For the construction of fortifications, \$2,500,000, of which sum not exceeding \$100,000 may be expended for the construction of necessary buildings connected therewith.

That was the first appropriation made for buildings in connection with the coast defenses of the United States in recent years. Following that, Congress felt that there ought to be some limitation placed upon the Department in the expenditure of appropriations for this purpose, and the next year the fortifications bill carried the following provision:

That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications, except that already authorized, the Secretary of War shall report to Congress, on or before December 6, 1897, the most practicable and economical plan for the care and preservation of the fortifications and their armament, said plans to be based upon the authorized strength of the artillery force of the Army.

Then later, in the sundry civil bill, they placed this limitation:

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense, \$620,000, and of this sum \$50,000, or so much thereof as may be necessary, may be used for the purchase of suitable building sites: *Provided, That for the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than \$60,000 for a one-battery post, and \$20,000 additional for each additional battery, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure.*

Following that, in 1901, Congress adopted this further limitation:

Provided, That for the erection of barracks and quarters for artillery, in connection with the project adopted for seacoast defense, there shall not hereafter be expended at any one point more than \$1,200 per man for each man required for one relief to man the guns at the post, up to eighty-three men, the present permanent strength of a battery enlisted and commissioned, and for each man required beyond this number, \$600 per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure.

Now, Mr. Chairman, from the time Congress first made appropriations for barracks and quarters for our Seacoast Artillery the Committee on Appropriations has always received the estimate for that purpose under the rule of the House which expressly provides that all estimates for that purpose shall be reported to the Committee on Appropriations. The committee have taken that jurisdiction and exercised it and invariably reported the appropriations for barracks and quarters in a fortification bill or in a sundry civil bill. So far as the bill is concerned, it is not material. The question here is as to whether or not the Committee on Military Affairs, under the rules of this House, have jurisdiction of the appropriations and estimates for appropriations for our seacoast defense. It would be just as competent for the Military Committee to bring in appropriations here for our seacoast batteries and our fortifications. Jurisdiction over subjects pertaining to fortifications and our seacoast defenses has never been surrendered by, nor has it ever been taken away from, the Committee on Appropriations.

Another point I want to make, Mr. Chairman: Under the language of this amendment the entire amount may be spent at one place and may be spent for one building. There is absolutely no limitation that would apply. The limitation which now exists in the law, carried in the fortifications bill and later in the sundry civil bill, would not apply in any way whatever to this, because the appropriation for barracks and quarters, to which this limitation applies, reads:

In connection with the project adopted for seacoast defenses.

That is a limitation that is carried with every appropriation reported by the Committee on Appropriations for barracks and quarters for the Seacoast Artillery. The appropriation must be for that purpose, and the limitation then applies. Under the language of this amendment the existing limitation would not apply. I maintain, Mr. Chairman, that, under the rules of the House, the estimates for this purpose are referred to the Committee on Appropriations, and the committee have heretofore exercised that jurisdiction, and that jurisdiction ought to be maintained and preserved.

I maintain that it is in keeping with good administration and good policy to separate, as far as we possibly can, the cost of maintaining the Army and the cost of our coast defense and all new construction incident thereto.

Mr. SMITH of Iowa. Mr. Chairman, this matter has been fully presented to the Chair from the standpoint of the right to embrace these items, under the rules, in the sundry civil bill. Of course it is within the discretion of the Committee on Appropriations to assign the items which belong to that committee as to this item has heretofore generally been exercised in either the fortifications appropriation bill or the sundry civil bill, that would throw light upon the interpretation of the rule. The chairman of the Committee on Military Affairs says that if

his committee had not inserted the statement that these barracks and quarters were for the Seacoast Artillery, perchance no point of order would have been lodged, and that his committee is, so to speak, being punished for its candor with the House. I want to say that I think his committee is to be complimented on its candor with the House; I want to say that I think his committee is to be complimented on the efforts made this year to hereafter secure a suitable segregation of the items in the army bill. And yet I feel sure that the gentleman would not wish to be understood as saying that he regretted the fact that he had been candid with the House and wished that he had covered up this appropriation so that no point would have been made upon it at all. I know he does not mean that.

Now, let us turn first to the rules, and then I want to call the Chair's attention to the report upon which these rules were originally adopted in the Forty-ninth Congress.

Part of Rule XI, section 3, is as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows, viz:

"3. To the appropriation of the revenue for the support of the Government, as herein provided, viz, for legislative, executive, and judicial expenses; for sundry civil expenses; for fortifications and coast defenses; to the Committee on Appropriations."

The provision with reference to the jurisdiction of the Military Committee reads "to the military establishment and public defense, including the appropriations for its support and for that of the Military Academy, to the Committee on Military Affairs."

What is a part of the coast defense? I read from the report of William R. Morrison, in presenting to the House the rule which gave to the Military Committee jurisdiction over the Army bill:

In 1847 appropriations were made in nine separate bills, viz: Army, civil and diplomatic, deficiencies, fortifications, Indian, Military Academy, Navy, pensions, and post-office.

Thus for more than sixty years one of the recognized and distinct bills making appropriations has been the fortifications appropriation bills.

Again Mr. Morrison says:

The fortifications bill being one relating generally to the army and navy fortifications and the general public defense is left to the Committee on Appropriations.

Now, this being the general public defense by both the Army and the Navy of the coast of the United States is left to the Committee on Appropriations. Under this rule what jurisdiction has the Military Affairs Committee ever exercised? Has it ever for a moment claimed that it could buy a site on which to build these barracks? Oh, no. Every proposition since the division of these appropriations to purchase a site for these barracks in connection with seacoast defenses has gone to and come from the Committee on Appropriations. Is it claimed that they have any jurisdiction over the building of houses, magazines to house the ammunition for use of seacoast defense? Oh, no; no such pretense; no such jurisdiction ever attempted to be exercised. Has it been claimed that they have charge of auxiliaries of coast defenses, like the fire control? Yes; but repudiated by the chairman in the last session of this Congress, and the Chair has from the beginning sustained the jurisdiction of the Appropriations Committee over all the adjuncts and accessories of the seacoast defense. Can it be said in any justice or reason that when one committee has been charged from the beginning with the whole care of the defense of the coast, that it is any more within its jurisdiction to provide houses for the ammunition than to provide houses for the men who handle the ammunition? What fine distinction is this which the chairman of the Committee on Military Affairs seeks to impress upon you when it must be conceded that this committee never had jurisdiction to buy a site and never exercised it for barracks or quarters at a seacoast defense; never had and never has exercised any authority to appropriate money to build houses in which to place the ammunition, but has authority to build a house in which to put the men? I submit that everything which is accessory to or an adjunct of the fortification for the seacoast defense belongs to the Committee on Appropriations, and not to the Committee on Military Affairs.

Mr. HULL. Mr. Chairman, the importance of this question impels me to again intrude myself and speak for a little time upon the questions that have been submitted this morning. The chairman of the Committee on Appropriations claims that all the buildings at seacoast defense have been carried by the sundry civil bill, when the positive evidence is submitted to the House this morning that that statement is not correct and that the line of demarcation between the two has been carried out in the appropriations heretofore on this seacoast matter just as it is in all other posts of the country. In other words, when the separation of the committees came the Committee on Appropria-

tions kept jurisdiction of all buildings costing more than \$20,000 and were supposed to appropriate for them under the law that has existed for so many years, requiring detailed estimates and specific appropriations. The gentleman carries the appropriation in his bill for military posts. Included in that are buildings for seacoast defense, but it does not carry it in such a way as to compel the authorities here to expend the money so much at seacoast defense and so much at other military posts. Under his appropriation, as it has been heretofore under ours, the Department could appropriate all the money for interior posts or all of it for seacoast defenses and still comply with the law. The proposition of the gentleman from Iowa—

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. HULL. Yes.

Mr. TAWNEY. How does the gentleman construe this language in the present sundry civil appropriation law, which has been the law for many years, so as to justify the statement that the Department can use this money that is appropriated from the Committee on Appropriations for the building of barracks and quarters at interior posts?

For the construction and enlargement of buildings at such military posts as in the judgment of the Secretary of War may be necessary, for the erection of barracks and quarters for the artillery in connection with adopted projects for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters.

Now, that money must be expended necessarily for barracks and quarters for Seacoast Artillery.

Mr. HULL. It would not be necessarily so. They would have the power under that appropriation to expend all of the appropriations for any one of the items specified, and say they did not need anything for the other objects mentioned this year. It is the same language we have heretofore used as to post barracks and quarters wherever they were needed—a lump sum by which the Department could direct the amount to any particular locality. We tried this year to separate, so as to have so much for one line of barracks and quarters and so much for another. The gentleman from Iowa [Mr. SMITH] raises the proposition as to the fortification bill being one of the old established bills of the country. Nobody disputes that proposition. He says that that committee has had jurisdiction over fortifications and coast defenses. What does that include? It includes the forts; it includes the batteries; it includes the casemates for the care of ammunition; it includes all the fixed part that is actually used in the defense of the country, and nothing else.

Mr. SMITH of Iowa. Will the gentleman permit a question?

Mr. HULL. Yes.

Mr. SMITH of Iowa. Has it not always included all the sites on which barracks and quarters were erected?

Mr. HULL. Yes; but if that were properly construed under the rules it would require legislation before you would be authorized to purchase. It has never been required.

Mr. SMITH of Iowa. But it has been the invariable practice.

Mr. HULL. But practice does not overcome law, and in my judgment, if we were to come to a strict construction of the rules of this House, it would require legislation in every case of that kind. We have never done it; we have never claimed it; but we do claim this: That when you get beyond the fortifications and coast defense proper you have no more jurisdiction over the buildings to house the men than you would have over the buildings to house the men at any other post in the country. If the gentleman claims that the care of the men carries with it jurisdiction to the Committee on Appropriations, why does he not claim, then, the clothing for the men to make them comfortable? Why doesn't he claim the food for the men? He says that without houses you could not have an army. Without an army you can not have any effective coast defense. You can erect your batteries, you can put up your casemates, but the gentleman must have an army of artillerymen there to make it effective, just as much as he must have houses. And yet gentlemen will hardly claim that they have the right to increase or diminish the Army as the Committee on Naval Affairs would have the right to increase or diminish the Navy. There are two jurisdictions here. The evidence is conclusive that during all the years we have been making these appropriations the smaller buildings carried in our bill have been erected for coast fortifications and for the other posts indiscriminately, and these buildings are not part under any construction that can be made for the housing of the Army of what is called "coast fortifications." They are simply for the care of the Army. To assume that they have absolute jurisdiction over that would be to assume that they have absolute jurisdiction over the number of men who should compose the artillery force of the Army, the amount of clothing that should be allowed them, the amount of food that should be given. It would be just as rea-

sonable in the one case as the other. I want to correct the gentleman on fire control. We claimed fire control on field batteries, and we got it in place of being turned down.

Mr. SMITH of Iowa. And you claimed Seacoast Artillery also and lost out.

Mr. HULL. Well, we did not feel that we lost anything; but this other proposition, Mr. Chairman, goes to the very heart of the question of the power of two committees to proceed on the lines they have been doing without friction.

The CHAIRMAN. The Chair is ready to rule. It is unfortunate that the jurisdiction of these two committees is not clearly defined in the rules. As it is, the only guide the Chair has is the course pursued in regard to this particular appropriation in the past. The fact that before the Army appropriation bill was taken away from the Committee on Appropriations and given to the Committee on Military Affairs it carried nothing except for the maintenance of the Army affords little light on this question, since it has been the invariable practice of the Military Committee, since given jurisdiction of the Army appropriation bill, to appropriate for barracks and quarters. Had this item been carried in the fortifications bill there would probably have been little controversy about it, but if the Appropriations Committee has jurisdiction, then for the purposes of this case it matters not in what bill reported by that committee the item is carried. The rules provide that the Committee on Appropriations shall have jurisdiction of fortifications and coast defenses. The construction of seacoast fortifications is clearly the province of the Committee on Appropriations under this rule. Are not the barracks at the fortifications a part thereof? So far as the Chair is informed, the Army appropriation bill has never, until the bill under consideration was presented, carried in specific terms any appropriation for barracks for Seacoast Artillery. That has always been carried in a bill reported by the Committee on Appropriations. The fortifications appropriation bill approved March 3, 1896, which was after the adoption of the so-called "Endicott project," carried an appropriation for the erection of necessary buildings connected with the new fortifications. In the fortifications bill for the next year this provision was carried in the following language:

That prior to any expenditure of money for the construction of necessary buildings connected with the new fortifications, etc.—

Congress apparently recognizing the jurisdiction of the Committee on Appropriations over this subject. The next year the appropriation for this purpose was included in the sundry civil appropriation bill in the following language:

For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense.

And it has been carried every year since in the sundry civil appropriation bill down to and including the first session of this Congress, when the language was as follows:

For the erection of barracks and quarters for the artillery in connection with the adopted project for seacoast defense.

The fact that the War Department may have used some of the money carried in the Army appropriation bill for barracks for seacoast artillery without any specific instruction from Congress so to do can not affect the question of jurisdiction under consideration. In an exhaustive and able opinion delivered by Mr. Speaker Henderson on February 1, 1900, involving a somewhat similar provision on the question of jurisdiction between the Committee on Military Affairs and the Committee on Appropriations, he said:

During this period many bitter contests have arisen between the two committees on this subject of jurisdiction, and each time the final decision of the matter has been in favor of the jurisdiction of the Committee on Appropriations.

These decisions were made in relation to subjects which the Appropriations Committee claimed were and had been, properly part of the fortifications bill. In this case all the conditions are the same, except that the items in dispute are claimed for the sundry civil bill.

While acting as Chairman in the Committee of the Whole House on the state of the Union, decisions favorable to the Committee on Appropriations have been made by Messrs. Blount, of Georgia; Payson, of Illinois; Hopkins, of Illinois; and Springer, of Illinois. Mr. Allen, of Michigan, while in the chair, made a different ruling, but the House promptly, on motion of Mr. CANNON, of Illinois, sustained the claim of the Committee on Appropriations by striking the paragraph in controversy from the Army bill. Many days have been spent in discussions of the question, one struggle lasting for two entire days, and another struggle for three entire days, but always resulting in favor of the jurisdiction of the Committee on Appropriations, whether the decision was made by a Chairman, or by the Committee of the Whole House, or by the House itself.

The several controversies that have taken place were for the purpose of maintaining the individuality of the fortifications bill, and also of the Army bill. Each of the great appropriation bills has an individuality which it has retained for about thirty years and which the House has shown itself reluctant to violate. For instance, the Appropriations Committee is given under the rule jurisdiction of the subject of "fortifications and coast defenses." Field guns for the use of the Army would scarcely seem to properly belong to this committee, but it has been decided repeatedly that the Appropriations Committee has jurisdiction of the subject of field guns, because their fabrication for a

long term of years belonged to the fortifications appropriation bill. For the same reason the Committee on Appropriations has been given and held jurisdiction of Watervliet Arsenal, where heavy guns are made.

In view of the fact that up to this time the Committee on Appropriations has invariably claimed and exercised without objection the right to appropriate in express terms for the construction of barracks for seacoast fortifications, and until this bill was presented the Committee on Military Affairs has not attempted to so appropriate, the Chair is constrained to sustain the point of order.

The Clerk read as follows:

Transportation of the Army and its supplies: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses of recruiting" and the transportation of applicants for enlistment between recruiting stations and recruiting depots and the transportation of persons on their discharge from the United States military prison to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies to the militia furnished by the War Department for the permanent equipment thereof; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from Army depots or places of purchase or delivery to the several posts and Army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; freights, wharfage, tolls, and ferriages; hereafter estimates shall be submitted to the Congress of the United States covering transportation of the Army and its supplies in one estimate, and additional estimates shall be submitted covering other items heretofore carried in appropriation bills under the head of transportation of the Army and its supplies; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as train masters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; and hereafter no steamship in the transport service of the United States shall be sold or disposed of without the consent of Congress having been first had or obtained; for procuring water, and introducing the same to buildings at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than 50 per cent of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such added railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed 50 per cent of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *Provided further*, That the number of draft animals purchased from this appropriation, added to those now on hand, shall be limited to such numbers as are actually required for the service, \$13,500,000: *Provided*, That no part of this appropriation shall be applied to the payment of the expenses of using transports in any other Government work than the transportation of the Army, its supplies and employees; and when, in the opinion of the Secretary of War, accommodations are available, transportation may be provided for the officers, enlisted men, employees, and supplies of the Navy, the Marine Corps, and for members and employees of the Philippine and Hawaiian governments, and without expense to the United States, for the families of those persons herein authorized to be transported: *Provided further*, That of the amount herein appropriated \$725,000 shall be expended for boats for the seacoast artillery service.

Mr. TAWNEY. Mr. Chairman, I desire to reserve the point of order on the last two provisos, beginning on line 1, page 35, after the word "Army," down to and including the word "service" on line 10. I desire to ask the gentleman if that is not an entirely new provision in respect to the use of transports and also in respect to the appropriation of \$750,000 to be expended for boats for the Coast Artillery service. I wanted to know particularly about the first part of that, whether the gentleman thinks he has limited the use of the Army transports so as to prevent the abuse of the service.

Mr. HULL. The only change in the provision from last year is that under the appropriation last year we gave the Navy and the Marine Corps the same rights for the use of the transports that we gave the Army, and we found that the Marine Corps and Navy have been availing themselves of that provi-

sion to such an extent that the transports have been unable to do the business required of them for the Army in the transportation of its supplies. This changes it by making the transportation of the supplies of the Army first in importance, and permits the Secretary of War to extend its service to the other branches of the service when there is a sufficient capacity to do their business too. In other words, under the old provision the Army was bearing the expense of paying for the transportation of its own supplies by private lines, and was then compelled to care for the other branch of the service under the Army bill.

Mr. SMITH of Iowa. Mr. Chairman, could the gentleman give us anything definite as to what the purpose of this \$725,000 is—whether it is ordinary transportation of the Seacoast Artillery or whether it is for some purpose in connection with the seacoast defense?

Mr. HULL. My understanding is that it has nothing to do with the seacoast defense, judging from this document and what the Quartermaster-General says; that it is in the torpedo service, and in the transportation from one place to another of the mobile forces of the Army, and the Quartermaster Department is now charged with it under "Transportation of the Army and supplies;" that the use of a large boat in that line is more expensive than the use of a small one, and it is claimed it will be a matter of economy.

Mr. SMITH of Iowa. The gentleman remembers that last year it was ruled that his committee had no jurisdiction over torpedo planters, for example? Now, is this meant to cover just that kind of thing?

Mr. HULL. I should think it was meant to cover everything that the Army is now charged with doing under the head of "Transportation of Army and supplies," and nothing beyond that, from what the Quartermaster-General says. The hearing is very brief on it. I regarded it as possibly subject to a point of order.

Mr. TAWNEY. How do you arrive at the amount that will be required?

Mr. HULL. The estimate submitted was for \$900,000, but a supplemental estimate has been made, asking that the amount be reduced from \$900,000 to \$725,000.

Mr. TAWNEY. How large a vessel do they propose to build?

Mr. HULL. It would be a vessel of very good size, a well-equipped seagoing vessel, but not a large vessel, or it would cost more than the amount provided.

Mr. TAWNEY. This means the purchase of an additional transport vessel.

Mr. HULL. It would mean the purchase of a vessel which would cost less in operation for fuel and complement of officers and men; a vessel that they could use for this work for which the larger vessel is now used.

The CHAIRMAN. Does the gentleman from Minnesota insist upon the point of order?

Mr. TAWNEY. I withdraw the point of order.

Mr. HULL. Now, Mr. Chairman, I want to offer the following new proviso.

The Clerk read as follows:

After the word "service," line 10, page 35, insert the following: "For the construction and maintenance of military and post roads, bridges, and trails in the district of Alaska, to be expended under the direction of a board of road commissioners described in section 27 of an act entitled 'An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes,' approved January 27, 1905, and to be expended conformably to the provisions of said act, \$250,000, to remain available until expended."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Construction and repair of hospitals: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Ark., and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, \$475,000: *Provided*, That the following sums may be used in the erection of modern sanitary hospitals at the posts named: Fifty thousand dollars at Fort Douglas, Utah; \$60,000 at San Juan, P. R.; \$45,000 at Fort Mackenzie, Wyo.; \$35,000 at Whipple Barracks, Ariz.; \$35,000 at Fort Riley, Kans.

Mr. KAHN. Mr. Chairman, I offer the following amendment. Mr. FITZGERALD. Mr. Chairman, I reserve the point of order as to the proviso.

The CHAIRMAN. The amendment will not be offered until the point of order is disposed of. The amendment may be read. Will the gentleman from New York please give the Chair his attention. The amendment may be read for information, but it will not be acted upon until the point of order is disposed of.

The Clerk read as follows:

For the reconstruction and repair of the power house pertaining to the general hospital on the Presidio Military Reservation, San Francisco, Cal., \$30,000.

Mr. HULL. Here is a specific sum named by the Congress of the United States. The only question that has ever been raised as to the proposition of appropriating for larger sums in the Army bill than the \$20,000 is that there was no specific estimate made first, and second, that all of the specific appropriations for more than \$20,000 for one building have been made by the Committee on Appropriations. Now, I think, when it comes to hospitals, that the Committee on Military Affairs has always carried that item, and the Committee on Appropriations has never had jurisdiction over hospitals. Whenever the question has been raised, the uniform practice has been that they were carried in the Army appropriation bill. Now, I will read the law on that subject:

Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress.

That has been done by the Department to the Committee on Military Affairs.

And approved by a special appropriation for the same, except when constructed by the troops; and no such structures the cost of which shall exceed \$20,000 shall be erected unless by special authority of Congress.

The committee has reported this without getting special authority to construct this hospital. In the original organization of these bills, when the posts were small and widely scattered on the frontier, \$20,000 was ample for the construction of a hospital at the different posts. That day has passed, and the time has come when in order to have a modern hospital Congress must recognize that it requires more than \$20,000.

Mr. TAWNEY. Is not this the fact—that this provision authorizes the construction of the hospital and at the same time appropriates for that purpose? Now, the fact that these hospitals are not authorized by law makes that out of order under the rules. Why is it that the Committee on Military Affairs, having jurisdiction of the subject, does not report a specific bill authorizing the construction, and then follow in the appropriation bill with the appropriation?

Mr. HULL. Mr. Chairman, it does not carry with it that proposition. The law does not say that these must be previously authorized, but that no greater amount shall be expended for one building unless specifically authorized by Congress. I want to call the gentleman's attention to the fact that if his construction were to be taken we could not appropriate for a single building in either the sundry civil or military bill for posts if there had to be legislation before we make the appropriation. The Committee on Military Affairs has the power to legislate; the Appropriations Committee has not. His construction would absolutely destroy the appropriation in both bills for military posts. Now, Mr. Chairman, I think this law is just as binding on one committee as it is on the other.

Mr. FITZGERALD. The intention of this provision is to permit the erection of modern sanitary hospitals within the limit of cost specified herein?

Mr. HULL. That is right—without increasing the appropriation.

Mr. FITZGERALD. I wish to call the attention of the gentleman from Iowa to the fact that there is no limit of cost fixed upon the hospitals authorized in this provision. It simply provides that certain specified sums may be used in the erection of modern sanitary hospitals at certain posts. If this provision be enacted in the present shape, it will be possible for the Department to use the amount allowed in the fiscal year for which it is authorized for the purpose specified, and then to come to Congress for an additional appropriation to complete the work.

Mr. HULL. I will say to the gentleman that if we can reach that stage of the proceedings I am perfectly willing to amend it so that it will read:

For the erection and completion.

So that there will be a limitation.

Mr. FITZGERALD. My principal object in reserving the point of order was to direct the gentleman's attention to that fact, and to have him, if he deemed it advisable, so shape the language that there would be a limit of cost upon the proposed hospitals.

Mr. TAWNEY. Why not provide that not more than this sum may be used?

Mr. FITZGERALD. So that it would be necessary to complete the buildings within the specified sums.

Mr. HULL. Why not make it read this way:

Provided, That not to exceed the following sums may be used in the erection and completion.

That would absolutely cover both points.

Mr. FITZGERALD. I think that is more satisfactory. There is one other point about which I wish to inquire. Are these hospitals to be erected at any posts which it is intended to abandon as military posts in the near future?

Mr. HULL. My understanding is, absolutely not. And when that question was raised in the Committee on Military Affairs they eliminated all such places, and these posts are supposed to be permanent posts. If I believed that the scheme of the Department was to abandon these posts in a few years, I should oppose granting them a penny for additional buildings; but that question was asked, and it was understood that other hospitals that they desired appropriations for were eliminated from the Surgeon-General's request, on the ground, first, that they were not of so much importance, and, second, that they might not be permanent posts.

Mr. MANN. Now, I understand the gentleman to claim that this item is not subject to a point of order.

Mr. HULL. I will claim that if the point is made.

Mr. MANN. I understood the gentleman to argue that this item was not subject to a point of order.

Mr. HULL. If the point was made I should resist it to the best of my ability.

Mr. MANN. Irrespective of what the gentleman believes?

Mr. HULL. Oh, no; the question of belief is one I hope we will not go into.

Mr. MANN. Because if the gentleman thought this was not subject to a point of order, what was the object in putting it in the bill?

Mr. HULL. My judgment is that it is impossible, unless you specifically appropriate for the erection of buildings costing more than \$20,000, to build them under either bill.

Mr. MANN. That would make it subject to the point of order.

Mr. HULL. You must have a specific amount in the bill to comply with the law.

Mr. MANN. That would be changing the law, and so would make it subject to the point of order.

Mr. HULL. I think not, under the law, because the law provides that you may do that.

Mr. MANN. The law provides that you can not build a building, except under certain circumstances, to exceed \$20,000 in cost.

Mr. CAPRON. But the circumstances are all there.

Mr. HULL. I hope the gentleman will not raise the point, because, to be frank with him, it would very badly demoralize our whole system of appropriations. Now, Mr. Chairman, if the gentleman from New York withdraws his point of order, I want to offer these amendments.

Mr. FITZGERALD. I withdraw the point of order.

Mr. HULL. I move to amend, on page 26—

The CHAIRMAN. The Chair will say to the gentleman from Iowa that the gentleman from California [Mr. KAHN] offers an amendment, which the Clerk will now report.

The Clerk read as follows:

Page 36, line 23, after the word "Kansas," insert:
"For the reconstruction and repair of the power house pertaining to the general hospital on the Presidio Military Reservation, San Francisco, Cal., \$30,000."

Mr. MANN. I reserve the point of order. The gentleman from Iowa [Mr. HULL] just agreed to offer another amendment ahead of this.

Mr. HULL. The Chair ruled me out, on the ground that there was one amendment pending.

Mr. TAWNEY. The amendment was pending.

Mr. MANN. I raise the point of order—

Mr. KAHN. It is too late to raise the point of order.

Mr. MANN. It is not too late; I reserved the point of order.

Mr. KAHN. I hope the gentleman will not insist on the point of order. The power house at the general hospital on the Presidio in San Francisco is, perhaps, the most important part of that hospital. It was seriously wrecked in the earthquake of April 18 last, but at that time it had become inadequate to the wants of the hospital. Four new buildings had been constructed, and a consequent increased demand for steam and electricity has resulted. This power plant furnishes not only the light, the electricity, and heat, but enables the cooking to be done in the kitchen. It runs the ice machine and refrigerator plant and operates the sterilizers and disinfecting apparatus. It is, as has been said by one officer, the very heart of that hospital. I have here an extract from a letter written by Lieutenant-Colonel Torney, in command there, in which he says:

My anxiety concerning the power plant will not be relieved until the funds are appropriated for its rehabilitation. It is, as you know, the very heart of the hospital, and in its crippled condition it requires a great deal of care to keep it in good running order.

Mr. TAWNEY. Mr. Chairman, I would like to ask if the Department submitted an estimate for these repairs?

Mr. KAHN. Not until after this bill had been reported.

Mr. HULL. Yes; in this way: They estimated \$165,000 for general repairs, including this. The idea of this amendment is to insure its being expended there. I think it would be expended, but it is included in the \$165,000.

Mr. TAWNEY. Then this would not increase the appropriation?

Mr. HULL. Not at all; it is carried in the amount that we figured on, only there was no specific amount. The estimate was carried as the repair of the house at the Presidio and improvements at other posts. This simply segregates it and does not increase the appropriation.

Mr. MANN. Will this complete the work?

Mr. HULL. I think it would if added now. The gentleman is skilled in the construction of language. Does not the gentleman think so?

Mr. MANN. That was the reason I asked whether it was intended to complete the work.

Mr. KAHN. Yes; the \$30,000 will complete it.

Mr. FITZGERALD. Was the item estimated for by the Department?

Mr. HULL. Yes; it was put in the estimate submitted to us.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California.

The amendment was considered and agreed to.

Mr. HULL. Mr. Chairman, I move to amend, on page 36, line 17, after the word "that," by inserting the words "not to exceed;" so it will read, "not to exceed the following sum."

The Clerk read as follows:

Amend page 36, line 17, after the word "that," by inserting the words "not to exceed;" so that it will read, "not to exceed the following sum."

Mr. MANN. I would suggest to the gentleman that that will not cover the case, because that means not to exceed—

Mr. HULL. If this is adopted, I mean to offer another amendment, in line 18, for the erection and completion.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken and the amendment was agreed to.

Mr. HULL. Now, Mr. Chairman, I move to amend, in line 18, after the word "erection," by inserting the words "and completion."

The CHAIRMAN. The Clerk will read the proposed amendment.

The Clerk read as follows:

In line 18, after the word "erection," insert the words "and completion."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was considered and agreed to.

Mr. SLAYDEN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 23, page 36, amend by adding: "Provided further, That the hospital at Bayard, New Mexico, for the treatment of tuberculosis shall be open to treatment of officers and men of the Navy and Marine Corps."

Mr. MANN. To that, Mr. Chairman, I reserve a point of order.

Mr. HULL. I hope the gentleman will reserve it and not make it.

Mr. SLAYDEN. Mr. Chairman, the hospital at Fort Bayard is used for the treatment of officers and men of the Army who are suffering from tuberculosis. This amendment merely proposes to extend the benefits of that hospital to the officers and men of the Navy and the Marine Corps, with the idea that it will provide accommodation for the men who need it and obviate the necessity at a later period of the erection of another hospital, a duplication of this at Fort Bayard.

Mr. HULL. Mr. Chairman, I think the gentleman could make it even stronger than that. His modesty prevents him. We have an Army and Navy Hospital at Hot Springs, Ark., for certain cases. That obviates each branch of the service having that character of a separate hospital. They have this hospital for the treatment of tuberculosis at Fort Bayard that is ample to treat all who may suffer from this disease from the three branches of the service, and unless it is extended to include the other two you will be called upon to vote \$250,000 to establish another tuberculosis hospital for the other two arms of the service. It seems to me, and to the members of the Committee on Military Affairs, that there is no reason why these special hospitals for the treatment of special diseases not of general character, should be erected, when one hospital with one administration can do all the work. If this proviso is inserted here it will fix the fact that the Fort Bayard hospital is open to the Army and Marine Corps and to the Navy on the same terms

with the Army, and will obviate any necessity at least for the erection of additional hospitals for the treatment of cases of tuberculosis. That is all there is to it. It is to save the expense of building other hospitals for each of the arms of the service.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas.

The question was taken; and the amendment was agreed to.

Mr. MORRELL. Mr. Chairman, I move to strike out the last word. I notice in the RECORD of this morning some discussion was raised as to the item on page 31 for military post-exchange appropriation. Some questions were asked by the gentleman from California [Mr. KAHN] and some discussion raised in connection with that paragraph. I would like to say to the House that some years ago—I think it was two Congresses ago—I introduced a bill doing away with the antecanteen provision. At the time I did so the distinguished chairman of the committee, the gentleman from Iowa [Mr. HULL], assured me that the military post exchange, together with the appropriations that had been made for that purpose, would do away with any necessity for the former canteen.

Mr. HULL. Oh, I think the gentleman is mistaken about that. Did I not say that I hoped so? The gentleman ought not to make it quite so strong.

Mr. MORRELL. Well, the gentleman seemed so confident as to the result that I refrained on that occasion from introducing the bill which I did a little while afterwards. I would like to ask the distinguished chairman of this committee what has been the result, as proven by experience, as to whether the post exchange on the lines he suggested has brought about what he expected?

Mr. HULL. We are still providing the posts with post exchanges and furnishing hot coffee, with the hope that it will do all that is desired.

Mr. MORRELL. I would like to ask whether the proportionate decrease of drunkenness in the Army has been commensurate with the number of post exchanges of the new kind provided for in the various appropriations?

Mr. HULL. Mr. Chairman, that question is not before Congress, and I am not on the witness stand. I will say frankly to the gentleman that the testimony of Army officers is almost uniform and universal that the canteen was a good temperance measure; that its abolition has resulted in desertions and greater drunkenness. That is their testimony. I am also informed by letters ranging all the way from ten to one hundred a day, distributed all over the country, that the canteen would be a crime against society, and protesting against this reenactment. We are trying to let the present line work out, and if the effect ultimately is bad on the Army the facts can be presented to Congress and it can be legislated on, but it is not now before Congress.

Mr. MORRELL. Mr. Chairman, I would like to say to the gentleman that that may be true, but if the increase of drunkenness in the Army continues at the rate which is very well known throughout the country and acknowledged, it may become a very serious matter in preventing men from enlisting in the Army and greatly increase desertion and arrests by civil authorities. As I understand it, the trouble is to-day to get the proper kind of men to enlist in the Army and to stop the epidemic of desertion. I call attention to this fact purely in the cause of temperance. It is not because I want men to indulge in spirituous liquor and riotous behavior that I advocate returning to the canteen, but it is absolutely and purely in the cause of temperance, and if by insisting on this canteen law we are going to drive men out of the Army posts to low dives instead of doing what we expected to accomplish, we are doing exactly the reverse of what was desired to be accomplished. In a bill which I had the honor to introduce in the first session of this Congress in the preamble to that bill I called the attention of the House to the testimony that had been given in the report of the War Department in regard to the effect of the abolition of the canteen. If an amendment is in order, I would like to offer an amendment repealing that section of the bill.

Mr. HULL. I would say to the gentleman that it would not be in order.

Mr. GREENE. Will the gentleman yield for a question?

Mr. MORRELL. Certainly.

Mr. GREENE. Do you mean to tell this House the reason for lack of enlistment is on account of the abolition of the canteen?

Mr. MORRELL. I would say in answer to the gentleman from Massachusetts that it may not be the direct cause, but I think I can safely say that it is one of the indirect causes why fathers and mothers do not want their sons to go into the Army

when the son, no matter what his standing is at home, because he does not wear a strap on his shoulder but wears a stripe on the sleeve of his coat, does not have the same privileges and confidence reposed in him as a man as the soldier who has the strap on the point of his shoulder. Who are they who stand in the front rank of the firing line or behind the big guns of the Army and Navy?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MORRELL. Mr. Chairman, I would ask unanimous consent to be allowed to proceed for two minutes.

Mr. GREENE. Mr. Chairman, I would like to have that time extended to five minutes so I may ask another question.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Pennsylvania may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. How much time does the gentleman want to conclude his remarks?

Mr. MORRELL. I only asked for two minutes. I think, Mr. Chairman, as I remarked on the occasion when I first introduced the bill, that it is an invidious distinction to make between the officer and the enlisted man. I believe the enlisted man is just as much entitled to be intrusted with discrimination as the officer, and I feel that that is one of the things that deters a man from entering the service, when he feels that his rights are not observed as a man and that he is not given equal privileges with the men who wear the straps on their shoulders, provided he respects himself. Now, we certainly know that drunkenness and desertion is increasing in the Army. It is the testimony of officers of the Army of all grades that this has been the result since the abolishment of the canteen. Why, may I ask? Because men are driven from the Army posts to low dives outside the reservations to drink. They will drink, a great many of them, unfortunately, and it is impossible to prevent them from drinking, particularly when they are treated like children and told that they must not drink, and when they get leave of absence they go beyond the military reservations and go to these places of low resort and drink to excess, with the result that they overstay their leave and then they desert or get in some disgraceful row and, fearing punishment, desert.

Mr. GREENE. I would like to ask the gentleman if there are not other conditions existing in all parts of this country that prevent the enlistment of soldiers in the Army and also men in the Navy—if the business conditions are not more largely responsible for it than the abolishment of the canteen?

Mr. MORRELL. I did not say, Mr. Chairman, in answer to the gentleman, that that was the sole and only cause. I said it was one of the causes. I quite agree with the gentleman that the principal cause probably is that the men of our Army and Navy do not get remuneration commensurate with their services compared with what is obtained in civil life. That probably is the primary cause, but I still say that I think the abolishment of the canteen is one of the causes, and is certainly responsible, in my judgment—poor as it may probably be, but nevertheless backed up by the report of the War Department—that it is the cause of a great deal of the increase of drunkenness and desertion in the Army at the present day.

The same results follow out in our local city conditions. No sane man who has studied the effects of high license would again willingly return to the conditions which prevailed when a saloon was at every street corner and adulterated liquors were sold by irresponsible proprietors.

Treat the American soldier in this respect as you would any American in any of the walks of civil life; teach him that he is respected and trusted, place him among elevating surroundings, and he will very soon learn to appreciate that confidence and respect himself.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn.

The Clerk read as follows:

MEDICAL DEPARTMENT.

Medical and Hospital Department: For the purchase of medical and hospital supplies, including disinfectants for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the nurse corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances, as

shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, \$622,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on page 38, line 4—the words "regulation, or contract."

The CHAIRMAN. The gentleman from Illinois reserves the point of order against the proviso beginning in line 4, page 38.

Mr. MANN. No; just the words ahead of the proviso, namely, "regulation, or contract." You now provide by law for medical attendance for everybody connected with the Army, which means, of course, medical attendance that may be authorized by law; but in this proposition you increase that and make it read "when entitled thereto by law, regulation, or contract." Is the purpose of that to extend—

Mr. HULL. I will say to the gentleman that that is to cover the case where we employ a contract surgeon, or where we contract for any line of employment, and in the contract with the party agree to give him medical attendance.

Mr. MANN. Already in the bill you have—

Mr. HULL. The language of the bill, I think, the gentleman, if he will look at it, will see after the word "treatment"—

Mr. MANN. You put that in in the place of what you had before. Contract surgeons were carried in the existing law. You strike out "contract surgeons" and insert "contract?"

Mr. HULL. The regulation or contract has the force of law. Now, the new language we put in which changes conditions is not otherwise provided for, including care and subsistence in private hospitals, and they do give it in private hospitals now, and it requires two different parties to make the payment.

Mr. MANN. I made no point of order upon the proviso, but if it is already authorized by law—the regulation or contract—then there is no need of it going into this bill.

Mr. HULL. If it does not go in this bill, none of this appropriation could be paid for that purpose. There is one class that is authorized by law. We name "already authorized by law." There is another under the regulation of the War Department entitled to treatment, and we name them, so it can be paid. Then there is another, by contract, and we name that.

Mr. MANN. I understood the gentleman to say that by law they had the right to make such a regulation or such a contract, and if that be the case then that is a matter provided for by law.

Mr. HULL. The law specifically enumerates certain parties that are entitled to this. The regulations have extended that law. Under the general law, regulations when not contrary to law have the effect of law, and then in making specific contracts by which they pay a man so much per month it is part of his contract that he shall have attendance. The only change of the law, as I understand it, is the proviso.

Mr. MANN. I have in mind a certain case where a very distinguished officer—or a very high officer and, I apprehend, distinguished—was not only ordered almost all the way around the world for medical treatment, but also was allowed travel pay for that distance, and, as I understand, afterwards travel pay was canceled.

Mr. HULL. Yes.

Mr. MANN. Now, it seems to me there ought to be some limitation in the law as to cases of that sort.

Mr. HULL. This has nothing to do with his travel pay.

Mr. MANN. If an officer can be ordered from the Philippines to the United States under a regulation, and then ordered from the United States to London under a regulation, and in accordance with the regulation be allowed his travel pay besides, and get his medical treatment free, and be paid a very large sum of money for taking it, I think the law ought to be guarded.

Mr. HULL. Will the gentleman allow me simply to suggest to him that the last Army appropriation bill provided specifically that no officer of the Army should have mileage when traveling on the ocean, and that a man ordered to Europe, ordered to South America, ordered from one part of this country to any foreign nation, or to the Philippines or to Porto Rico, must have only his actual expenses, so that such a case of abuse as the gentleman refers to has been cured by law.

Mr. MANN. So far as travel pay is concerned.

Mr. HULL. So far as mileage is concerned.

Mr. MANN. But has it been cured so far as the other is concerned, or, under the language of the gentleman, may not other abuses grow up just as bad as to medical attendance, not to officers of the Army, as they are already provided for—

Mr. HULL. I should say not.

Mr. MANN (continuing). But civilian employees. Suppose you make a contract by which you provide medical attendance for every employee in the War Department at Washington. Is that the intention of Congress?

Mr. HULL. No; we provided specifically, and the Surgeon-General, in his statement, says that this is to cover and only cover cases where there are recruits going from one place to another who are taken sick, in order to give them that attendance; and the committee in order to prevent any officer getting any medical attendance, except when in line of duty, put in further, it shall not apply to any officer on furlough or any officer being treated by private physicians when on furlough, in hospitals, or by private physicians.

Mr. MANN. I have no doubt that the gentleman is correct in his statement as to what this officer says is the effect of the language, and that it is only intended to apply to so and so. But that officer is soon out of the service, and a new officer reads the meaning as it is stated in the language in the statute book.

Mr. HULL. The language referred to is substantially as it has been in the bill for many years.

Mr. MANN. I think not.

Mr. HULL. The language which the gentleman refers to is in the bill.

Mr. MANN. I think not.

Mr. HULL. Now, in that connection, General O'Reilly in his statement here says:

That is in the direction of administrative simplicity. A recruiting or traveling party may have a man who is taken sick away from a military post and sent to a private hospital. As it is now, we only pay for attendance, medicines, and nurses in the hospital, but we can not pay board, which is chargeable to the Subsistence Department. The hospitals are not in the habit of making out bills separating the items in that way. They charge us for board and nursing. Now, when a bill comes in including charges for board we have to send it to the accounting officers of the Treasury for payment, thus entailing delay and red tape.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. So far as the Chair has any information regarding this matter, it seems to be a change of law.

Mr. TAWNEY. I think the chairman of the committee in charge of the bill will admit that it is a change of law.

Mr. HULL. I do not propose to discuss any more points of order. You can rule it out if you think well.

The CHAIRMAN. Unless it can be shown that this is part of an existing law, which has not been stated, the point of order will be sustained.

The Clerk read as follows:

ENGINEER DEPARTMENT.

Engineer depots: For incidental expenses of the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, and laborers, extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; repair of and for materials to repair public buildings, machinery, and unforeseen expenses, \$11,500.

Mr. HULL. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the Chair for information. I understood the Chair yesterday to rule that where a part of a paragraph was ruled out on a point of order the whole paragraph would go out.

The CHAIRMAN. If the point of order was made against the entire paragraph, yes; but if the point of order was directed against particular words in the paragraph, then only the words designated go out.

Mr. HULL. Then all the paragraph against which points of order have been made do not, if sustained, necessarily rule out the entire paragraph.

The CHAIRMAN. In this very case the gentleman from Illinois might have made the point of order against the entire paragraph, and it would have gone out.

Mr. HULL. If a gentleman made a point of order against an entire paragraph and another Member made another point of order to a part of the paragraph it would vitiate the entire paragraph?

The CHAIRMAN. The Chair would first rule on the point of order made against the entire paragraph, and if it went out there would be no occasion to rule as to the other, unless it was proposed to replace the part stricken out by an amendment.

The Clerk read as follows:

Buildings, Engineer School, Washington, D. C.: For completion of two incomplete sets of noncommissioned officers' quarters, \$15,000.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order

against the paragraph for the purpose of asking the gentleman a question relating to this building. This appropriation is intended to complete the construction. Was it commenced under the general appropriation for barracks and quarters, where the limitation is \$20,000?

Mr. HULL. They were commenced under a specific appropriation for that building and supposed to complete them, but the entire amount was expended because they struck low ground where they were required to have concrete piles. They have piles driven down there 40 feet. If they had obtained an ordinary foundation they could have completed the buildings on the amount appropriated.

Mr. TAWNEY. I thought this was possibly one of the cases where they commenced the work of the construction of the building under the authorization to expend \$20,000, and then came to have a specific appropriation in excess of that.

Mr. HULL. There were estimates submitted that they could build these quarters out of the money for the two sets of double quarters for noncommissioned officers and their families, but in the construction they met with difficulties they had no reason to expect, and the entire amount was used below ground. This is simply to complete the superstructure that is provided for, and that ought to have been done out of the first appropriation. The testimony was that they had gone down 40 feet for a foundation before they could get a sufficiently good one to build upon.

The CHAIRMAN. Does the gentleman withdraw his point of order?

Mr. TAWNEY. I withdraw the point of order.

The Clerk read as follows:

For construction of one new stable, \$17,500.

Mr. TAWNEY. I move to strike out the last word for the purpose of asking the gentleman in charge of the bill where this stable is located.

Mr. HULL. At the Washington Barracks.

Mr. TAWNEY. And it is to cost \$17,500?

Mr. HULL. Yes.

Mr. TAWNEY. Do the same conditions regarding the foundations apply to this as to the other?

Mr. HULL. I am unable to say, because they have not commenced yet. I will say to the gentleman that in every other case at the Washington Barracks they have had no trouble with the foundations. This is the first trouble that has been reported.

The engineers are largely a mounted corps. This stable is intended to take care of seventy horses.

Mr. TAWNEY. That was all I wanted to know.

The Clerk read as follows:

The balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 will not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that paragraph. This, as I understand it, is virtually a permanent appropriation. I should like to know whether the gentleman in charge of the bill is aware of the fact that this is introducing an almost entirely new principle in the matter of appropriating for the Army or for any part of the Army? It is continuing indefinitely appropriations made for the years 1904 and 1905, and Congress can not appropriate for the Army or for any part of the Army and continue those appropriations under the Constitution for a longer time than two years.

Mr. MANN. We have just done it in a preceding paragraph.

Mr. HULL. This is a reappropriation of what is left. I want to say to the gentleman that the militia law requires the militia to be organized on substantially the same lines as the Army. They are trying to organize it in all branches of the service. They have started out to equip the militia with the same number of guns for batteries that would be used in the organization of the Regular Army. The Chief of Ordnance says that one more appropriation for this will complete the work, and that thereafter there will be no necessity for any further appropriations unless there should, by Congressional action or in some other way, be a large increase in the National Guard of the country. As now constituted, one more appropriation after this will complete this work entirely, which is for the militia. Of course we all understand that in the event of war these guns and all guns used by the militia belong to the Government and could be used for national defense; but this trains the militia in their use.

Mr. TAWNEY. How much of the appropriation of these two years is unexpended?

Mr. HULL. There is only a small amount expended. I read from the statement of General Crozier before the committee:

Now, I would like to propose here an item of general legislation with reference to this subject which has not been submitted to the

committee before. I will explain the circumstances under which the desirability of it has arisen. The item I propose is as follows:

"The balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 will not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation."

There is an existing statute which requires that the balance of any fund, remaining two years after the expiration of the fiscal year for which the fund was appropriated, shall be covered into the Treasury, and that thereafter any funds to meet an obligation incurred under that, although the obligation might have been incurred in the proper time, would have to be made in a certification to Congress. When you gave me that money for field batteries I made contracts with people—some of whom had been in the business and some of whom came in as competitors against existing manufacturers and needed some encouragement. It is possible that the material contracted for will not all have been delivered, and therefore payment will not be due on them until after the 30th of June, 1907, although the appropriation was made for the year ending the 30th of June, 1905. The contracts were made in the time, but the payments will not be due in time to cover this contingency.

That is the only reason it is put in. It is all contracted for.

Mr. TAWNEY. That law that the gentleman refers to is a law that was passed to correct an evil that had grown up in the Departments here and in Congress of continuing appropriations indefinitely, so that we never knew exactly how much money had been appropriated.

Mr. HULL. It is a very common thing to reappropriate—

Mr. TAWNEY. The law was passed for that reason, providing that the unexpended balances of appropriations should be turned back into the Treasury at the expiration of two years.

Mr. HULL. Yes.

Mr. TAWNEY. Now, I can see no reason for deviating from that policy in this case, because we can at this session of Congress or at the next session of Congress reappropriate this money, and I think that policy is far better than to commence repealing by piecemeal the existing law.

Mr. HULL. Is it not a matter of common practice, where contracts have been made in time, for the Appropriations Committee and other committees having charge of appropriations to report just this class of legislation? Has it not been done recently?

Mr. TAWNEY. The fortifications bill always does it, but that is the only bill that I know of where it is done. Take the river and harbor appropriations; they are all made to carry out contracts, but they are made from year to year.

Mr. HULL. Certainly; but Congress determines how much shall be given each year. In this appropriation Congress said so much could be expended for guns, and under that authority it was all contracted.

Mr. TAWNEY. As the amount can be expended, only so much being appropriated as can be expended under the contract in the next fiscal year.

Mr. PARKER. This is a reappropriation. These are contracts made in 1905, which expire prior to the use of the money of 1907, just after the present Congress. We are now appropriating the money for next year so that these contracts may be paid.

Mr. TAWNEY. You are continuing the appropriation?

Mr. PARKER. No; we reappropriate for that one year. General Crozier proceeds to say that the appropriation is available for only one year. He wants to get the money back.

Mr. MANN. Is not this the situation: That it requires a good while to construct some of these arms? This is a construction of guns. They make a contract which is often not carried out within the two years' time, and in some cases the work is done and not completed within the two years' time, although the money is allotted for that purpose. The money, as far as the Department is concerned, is disposed of on the books of the Treasury, and all that they want is to be able to carry out the contract and pay the proportional cost of the maintenance of the arsenal exactly as you do with fortifications.

Mr. TAWNEY. I understand; but it is not a case where money has been allotted.

Mr. HULL. Oh, yes; the contracts are made.

Mr. MANN. I understand that the contracts are made.

Mr. TAWNEY. The language simply says "to cover obligations."

Mr. HULL. Well, an obligation is a contract, isn't it?

Mr. TAWNEY. It may be a definite obligation and it may be an indefinite obligation.

Mr. HULL. General Crozier gives the positive statement here that he has made contracts with people, some of whom have been in the business and some of whom came in as competitors against existing manufacturers, who needed some encouragement. He says that it is possible that material contracted for will not all have been delivered, and therefore payment not be due.

Mr. TAWNEY. The general is in doubt himself as to whether it is necessary.

Mr. HULL. And if it comes in—

Mr. TAWNEY. It could come in under a new Congress.

Mr. HULL. No; they would have to wait from the 30th of June until the next year when Congress met. This is a reappropriation.

Mr. TAWNEY. It is not a reappropriation. I would not object if it was a reappropriation. It simply says this "will not be covered into the Treasury."

Mr. HULL. That is a reappropriation.

Mr. MANN. I want to say to the gentleman that this was not drawn by the chairman of the Committee on Military Affairs, but was drawn by a clerk in the Ordnance Department. I would like to ask the gentleman from Iowa why he does not state that it shall be available until the obligation is paid?

Mr. HULL. This is a reappropriation, although the language may not be all that you desire.

Mr. MANN. I presume that the gentleman construes it as a reappropriation.

Mr. HULL. There are other lawyers here that can construe language. The provision reads, "the balance under the appropriation for field artillery for organized militia for the fiscal years 1904 and 1905 shall not be covered"—

Mr. TAWNEY. It says "will not be covered into the Treasury."

Mr. HULL. I know it does; but it should read, "shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation."

Mr. TAWNEY. Shall "continue available until expended."

Mr. HULL. They will have it all expended by the next year.

Mr. TAWNEY. It is in the Treasury.

Mr. HULL. You can add to it, "and continue available until expended."

Mr. TAWNEY. That is the usual language. I do not like to see a provision enacted into the statute here expressly violating, in terms, the law of Congress—

Mr. MANN. And the Constitution.

Mr. TAWNEY. It is a statute, too, and the Constitution, too, as to the Army—which expressly provides that these appropriations shall not continue longer than for a period of two years.

Mr. MANN. The gentleman from Minnesota [Mr. TAWNEY] has the impression that an appropriation is covered into the Treasury at the end of two years. I hold in my hand a list of some appropriations that are still in the Treasury to the credit of certain funds. One of them is a credit to the fund for the capture of Jefferson Davis, of \$1,503.28. I suppose it has been more than two years since the appropriation was made and much more than two years since any bills were incurred under it. Another is an appropriation for quartermaster's stores and commissary's supplies under the act of Congress approved July 4, 1864.

Mr. TAWNEY. Which appropriation was made available until expended. That is the reason there is a balance there.

Mr. MANN. There is nothing stated that these appropriations are made available until expended.

Mr. TAWNEY. Not there, but in the law.

Mr. MANN. The gentleman has just stated that it is contrary to the Constitution. There are various claims of this sort. Here is one for suppressing hostilities of the Piute Indians in Nevada in 1860. I daresay those appropriations were not made available until they were expended. What I am endeavoring to do is to call the attention of the gentleman from Iowa [Mr. HULL] to the fact, also, that if there is a 2-cent balance left in this appropriation it will be on the books of the Treasury until time ends.

Mr. TAWNEY. Not unless it is made available until expended.

Mr. MANN. Under this proposition it will be.

Mr. HULL. Let me submit this to the gentleman from Illinois [Mr. MANN] and to the gentleman from Minnesota [Mr. TAWNEY]. If you put in the word "shall" in place of the word "will" and make it read, "shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation," and stop there, the very minute the outstanding obligations are met, would not any balance then be covered into the Treasury?

Mr. MANN. Nobody ever knows when the outstanding obligations are met.

Mr. HULL. Oh, yes.

Mr. MANN. Who?

Mr. HULL. Why, the parties who contract them, the Ordnance Department must know.

Mr. MANN. The people who have the custody of the money do not know.

Mr. HULL. The only way that any remaining over after they are met would be by putting in the words "and continue available until expended."

Mr. MANN. Why don't you make it "shall remain available for the ensuing fiscal year?"

Mr. HULL. Very well; I will not object to that.

Mr. TAWNEY. I desire to correct one mistake that some Members seem to be laboring under. The money remaining to the credit of an appropriation goes back into the Treasury at the expiration of two years. But, under the same law, the balance is available until about the 1st of October next to meet any obligations that were contracted under the appropriation and not met prior to the expiration of the two years. That is the law and that is the practice under the law in all the Departments, so that, in effect, so far as obligations contracted under authority of appropriations is concerned, the appropriation is available for two years and three months—I think it is to the 1st of October.

Mr. MANN. Three years and three months, is it not?

Mr. TAWNEY. Two years and three months.

Mr. MANN. It is two years after the end of the fiscal year.

Mr. TAWNEY. Make it available for the next ensuing year, and it will be satisfactory.

Mr. HULL. I have no objection to that.

Mr. TAWNEY. Very well; I withdraw the point of order and offer that amendment, to make it read "shall remain available during the next ensuing year."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert "shall remain available during the next fiscal year."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. HULL. Mr. Chairman, I do not think they have yet the amendment that I suggest, on line 25, page 43, to strike out the word "will" and insert the word "shall," so that it will read "shall not be covered into the Treasury."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 43, line 25, strike out "will" and insert "shall."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I would like to have the Clerk report the paragraph now, or that part of it which is amended, as amended, after striking out the word "will" in line 25.

The CHAIRMAN. Without objection, the Clerk will report the paragraph as it now reads.

There was no objection, and the Clerk read as follows:

The balance under the appropriations for field artillery for organized militia for the fiscal years of 1904 and 1905 shall not be covered into the Treasury at the end of the present fiscal year, but remain for disbursement to meet outstanding obligations incurred under that appropriation, and shall remain available during the next fiscal year.

Mr. MANN. Do you want that to be in that way?

Mr. TAWNEY. My purpose was—

Mr. HULL. Why not put it for the fiscal year ending June 30, 1908, and then you have it definitely?

Mr. TAWNEY. My amendment was to strike out all after the word "will," in line 25, or the word "shall."

Mr. MANN. After the word "but," on the next page, do you not mean?

Mr. TAWNEY. No. "Shall remain available during the fiscal year ending June 30, 1908."

The CHAIRMAN. The amendment changing "will" to "shall" has been adopted.

Mr. TAWNEY. Strike out all the paragraph after the word "shall" and insert "shall remain available during the fiscal year ending June 30, 1908."

The CHAIRMAN. Without objection, the paragraph will be modified in accordance with the suggestion of the gentleman from Minnesota. Will the gentleman from Minnesota give the Chair his attention? Without objection, the Clerk will again report the paragraph.

The Clerk read as follows:

Amend the paragraph so as to read—

Mr. HULL. I ask that this amendment be rereported; I think there is some misunderstanding about that.

The Clerk read as follows:

Amend the paragraph so as to read: "The balance under the appropriations for field artillery for organized militia for the fiscal years 1904 and 1905 shall remain available during the fiscal year ending June 30, 1908."

Mr. HULL. I think there should be added to that "to meet outstanding obligations incurred under that appropriation."

Mr. MANN. Under those appropriations.

Mr. HULL. Under those appropriations. There are two appropriations there, and I am afraid you destroy the appropriation if you do not put that in.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add the words, "to meet outstanding obligations incurred under said appropriations."

The amendment was agreed to.

The Clerk read as follows:

For range finders and other instruments for fire control in field batteries, and the machinery necessary for their manufacture at the arsenals, \$30,000.

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against the words in this paragraph, "and the machinery necessary for their manufacture at the arsenals." I make the point of order that it is not within the jurisdiction of the Committee on Military Affairs and was so ruled at the last session of this House.

Mr. HULL. What provision is that?

Mr. SMITH of Iowa. I simply move to strike out the words, "and the machinery necessary for their manufacture at the arsenals."

Mr. HULL. I think those words ought to be stricken out; they are subject to the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Converting muzzle-loading guns for saluting purposes: For converting muzzle-loading field guns to breech-loading guns for saluting purposes, and for necessary mounts for the same, \$5,250.

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order that this item is not within the jurisdiction of the Committee on Military Affairs.

The CHAIRMAN. The gentleman from Iowa makes the point of order against the paragraph.

Mr. HULL. We have been carrying on that work of converting the old muzzle-loading guns in this bill, but I have no objection to its going out.

The CHAIRMAN. The point of order is sustained.

The Clerk resumed and concluded the reading of the bill.

Mr. HULL. Mr. Chairman, I move to strike out the last word for the purpose of giving the gentleman from Illinois a little information in regard to the pay of an Army captain, including all allowances. The only difference in the pay, as I gave it yesterday, is between a captain mounted and an infantry captain. The captain mounted is allowed \$200 a year additional pay and the expenses of a horse. If he keeps a horse it is fed, but if he does not keep a horse, if he is doing staff duty, where he does not require a horse, he gets no additional pay for it; so this covers all allowances that it is possible for an officer to get the benefit of under the present law, and I now ask that it be read so that the gentleman from Illinois may have full information.

Mr. MANN. Will it also state in reference to medical supplies?

Mr. HULL. Everything of that kind.

Mr. MANN. Fuel, grocery supplies, rent, and a number of other things I have not yet learned about, which are constantly growing.

Mr. HULL. It covers everything he can get, even things the gentleman has not thought of.

The statement is as follows:

MEMORANDUM.

The only "allowances" received by me (a line captain) are my pay, \$200 a month; commutation of quarters, \$36 a month; the privilege of buying fuel at the rate of \$3 per cord of oak wood or its heat equivalent; the privilege of buying commissaries at Government rate, and medical attention and supplies.

I use 8,000 pounds of coal a month for five months of the year, and 4,000 pounds a month for the rest of the year. The market price is \$3.18 a thousand pounds, and the Government rate is \$1.41 a thousand pounds. In each case the coal is delivered in the cellar. The saving to me amounts to \$14.66 a month for five months and \$7.33 for the rest of the year. Total saving allowance for the year, \$124.63.

My bill for commissaries runs about \$18 a month, and the saving to me is about 10 per cent of this. Total saving for the year, \$17.60. Many officers do not patronize the commissary when near cities, as the city prices are frequently cheaper. While on duty at West Point three years ago, I bought all my commissary supplies at Park & Tilford's in New York, as I found that I could get them there, pay freight, and then get better value than I could at the West Point commissary.

With reference to medical attention and medical supplies, within the last year I personally paid a bill of \$85 to a hospital in this city for medical attention to a member of my family. Besides this, I have had the services of an Army surgeon for which a civilian doctor would have charged about \$75. There are two Army surgeons in Washington, and there are 288 officers who, with their families, are authorized to have medical attention. The pay and commutation of quarters of these

two surgeons combined is \$575.47 a month, or about \$2 for each officer entitled to services. Medical supplies may run this up to \$1 a month more, making its value \$3 a month.

The value to me of one year's allowances is summarized as follows:

Fuel savings	\$124.63
Commissary savings	17.60
Medical attention	36.00
Total	178.23

Mr. MANN. Now, Mr. Chairman, if the motion to strike out the last word is still prevailing, I wish to say that I knew they would not give all the information. He omits, to begin with, his rent.

Mr. HULL. He puts in his rent; he gets \$36 a month.

Mr. MANN. If it is in there, I did not hear it. He winds up by telling what his medical supplies are worth.

Mr. HULL. He makes an estimate of that.

Mr. MANN. His fuel is worth so much, and his groceries are worth so much, and if the statement of the officer be true and not exaggerated, that itself is rather a strong indictment against the War Department. As I understand it, it is the practice of the War Department to furnish grocery supplies at 10 per cent over the cost where they are bought in the market—in New York City in this case. This officer said that he could buy supplies in New York City, pay the freight, ship them to West Point, and get them cheaper than he could out of the Commissary Department. If it be true that a man can buy at retail and ship by freight from New York to West Point for 10 per cent less than the Government buys at wholesale in New York, it is a curious commentary upon the purchases made by the Government.

Now, the gentleman says there are only two surgeons in Washington—that is, two Army surgeons. Does the gentleman in charge of the bill think that statement is accurate?

Mr. HULL. If the gentleman from Illinois will read what the officer stated, he will find that he did not say that. There are two here that are assigned to treat officers on duty here. There are other surgeons here that have other duties.

Mr. MANN. Those are the regular surgeons. How many contract surgeons are there?

Mr. HULL. There are none at all in Washington.

Mr. MANN. How long has it been since they disposed of the contract surgeons in Washington?

Mr. HULL. When did they have any here?

Mr. MANN. They have had them here. I have known of a contract surgeon in Washington.

Mr. HULL. When have they had them here?

Mr. MANN. Not very long ago.

Mr. HULL. They had a man here at the head of the Commission to examine dental surgeons.

Mr. MANN. I am not referring to dental surgeons, but contract surgeons, whose only duty was to give medical attention to Army officers.

Mr. HULL. If the gentleman knows of any contract surgeon in Washington who is here for the purpose of treating Army officers he has more information than I have.

Mr. MANN. I will be glad to impart to the gentleman some private information on the subject.

Mr. HULL. I want to say one word more, Mr. Chairman, not on this question, but on a proposition submitted to the Committee on Military Affairs to authorize the exchange of the old rifles used by the National Guard for the new Army service gun, when a sufficient quantity have been manufactured by the Government to permit of such an exchange, on the same terms under which we have heretofore exchanged arms in the service. I hope, before the bill becomes a law, that this provision will be incorporated in the measure, because I believe the militia should have the best gun that is made, so that in time of war it will be more efficient thereby. It was only by oversight that it is omitted from this bill as reported to the House.

I now move that the committee rise and report the bill to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee had had under consideration the bill H. R. 23551, the Army appropriation bill, and had directed him to report the same to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on the amendments? If not, a vote will be taken on the amendments en gross. No separate vote was demanded.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. HULL, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORTIFICATION APPROPRIATION BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23821, the fortification appropriation bill; and, pending that motion, I ask unanimous consent that general debate upon this bill be limited to four hours, one half to be controlled by the gentleman from New York [Mr. FITZGERALD] and the other half by myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the fortification appropriation bill; and, pending that, he asks unanimous consent that general debate be limited to four hours, two hours to be controlled by himself and two hours by the gentleman from New York [Mr. FITZGERALD]. Is there objection? [After a pause.] The Chair hears none.

The question was taken on the motion to go into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MANN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23821, a bill making appropriations for fortifications. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23821) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Chairman, the Committee on Appropriations has reported to the House a bill carrying in round numbers \$5,400,000 for fortifications and other works of defense. The construction of fortifications and coast defenses of the United States has been carried on for twenty years in general upon the plans of what is known as the Endicott Board, created by act of Congress in 1885, and which made its report in 1886. The years that have elapsed since that have wrought many changes in the needs of the country for fortifications. In the meantime the system practiced of protecting these guns with armored emplacements and turrets has ceased to be either desirable or practicable; and the elimination of this from the plans of the Endicott Board has resulted in a reduction of the cost of the completion of the fortifications under the system proposed by that board. At that time the modern disappearing gun carriage was unknown; and of course in the absence of the disappearing gun carriage it was necessary to protect the guns by armor at the emplacement and by turrets.

The Endicott Board did not include in its estimates, which aggregated \$126,000,000, anything for sites. They did not include in their report anything for reserve ammunition. They did not include in their report anything for barracks at the seacoast batteries. It thus appears that the \$126,000,000 estimated to be necessary by the Endicott Board did not approximately cover the amount necessary for the proper fortification of the coast even of continental United States.

In the meantime the judgment of the War Department has changed as to the necessity for fortifications at some of the points provided to be fortified by the Endicott plan. The elimination of some features not justified by a modern system, and the elimination of some places, have reduced the cost, so that it is now estimated that for \$99,000,000 all can be done that was contemplated by the Endicott Board, and which would still be desirable to do.

Mr. McCALL. If the gentleman will permit me to interrupt him, does that mean \$99,000,000 in all?

Mr. SMITH of Iowa. It means \$99,000,000 in all. Of that sum about \$64,000,000, in round numbers, has been appropriated. A large amount in excess of this has been carried in the fortification bills, covering items to which I have referred, which were not included in the Endicott estimate for sites, ammunition, and other things. The result is that we have appropriated all through these years an average of about 3 per cent of the amount estimated by the Endicott Board.

But a year ago, under an order of the Executive, a new board was created to revise the plans of the Endicott Board, now

generally known as the "Taft Board." That board's work has never been expressly sanctioned by Congress, but it may be an aid to us in determining how much of the plans of the Endicott Board are now regarded as obsolete by the military authorities upon this subject.

One of the matters of a disturbing character in the evolution of this system of seacoast defense is found in this: A few years ago the 12-inch gun was regarded as the ideal heavy gun for seacoast defense, and the 12-inch gun has been already mounted at all our important harbors. It is now discovered that the 12-inch gun, when fired with the velocity contemplated, namely, 2,500 to 2,600 feet per second at the muzzle, will wear out the gun so that it becomes practically useless in from 60 to 70 shots unless relined.

The Taft Board reports that these guns can now be fired twice a minute, leaving the life of one of these guns, when fired at the maximum theoretical capacity, less than one hour, and but little in excess of half an hour. In view of this fact, the War Department has devised a 14-inch gun which it is believed will be free in large measure from this rapid deterioration. The rapid deterioration of the 12-inch gun is due to the enormous muzzle velocity of the projectile, which destroys the rifling in the gun, as I have stated, in from 60 to 70 shots. Where that velocity is reduced to 2,200 feet per second at the muzzle, the life of the gun is increased to between 300 and 400 shots, but the range of the gun is reduced about 25 per cent. Under the well-known principle that the momentum of the projectile at the point of contact is the product of its velocity and its weight, it is believed that the 14-inch gun, with a less velocity than the present 12-inch gun, and consequently a greatly reduced wear upon the rifling, will at the point of contact have equal power with the present 12-inch gun.

Mr. CRUMPACKER. Has that proposition been demonstrated by experiment, or is it theoretical?

Mr. SMITH of Iowa. The principle, of course, is a well-settled one that the force at the point of contact is the product of the velocity and the weight, and that by increasing the weight you will get the same blow with a decreased velocity. Now, they have not manufactured the 14-inch gun. This bill carries \$132,000 to make one 14-inch gun. Perhaps it will be partly an experiment, but certainly it will be a success as a gun, even though it may not accomplish all that may be hoped for in obviating the defect in the 12-inch gun.

I stated that this bill carries in round numbers \$5,400,000. It happens that only twice in thirteen years has so small an amount been carried by the fortifications bill—last year and one previous year. This is almost exactly the average appropriation for the last eighteen years. And when I say this it must be borne in mind that during the earlier years of that period all the appropriations were for continental United States, whereas this bill carries \$1,600,000 in round numbers for the defense of the insular possessions. So that if we were to deduct the appropriations for the insular possessions we would find this bill the smallest by far in the past thirteen years, and I think the smallest in eighteen years. I speak of this to show that the committee, while defending the United States properly, have sought to be economical in the expenditure of money, believing that the advanced state of our fortifications justifies this policy of slower progress than in time past.

In presenting this bill I may as well avow that we have found ourselves between two conflicting elements—the one thinking that we were progressing too rapidly in the defense of our insular possessions, the other contending that we were proceeding too slowly. So far as those are concerned who think we are proceeding too slowly in the insular possessions, I shall content myself at this time with saying that while we have only averaged an annual appropriation of 3 per cent toward the completion of the fortification of continental United States, this bill carries 7 per cent of the entire estimates for the insular possessions. So that we are proceeding twice as fast under this bill in the insular possessions as we have proceeded in continental United States. For the present I shall deem that a sufficient answer to those who contend that we ought to proceed more rapidly than we are doing in the insular possessions.

Upon the other hand, I have this to say to those who claim that we should not proceed so rapidly in the insular possessions: It must be borne in mind that in continental United States the seacoast fortifications are but an outer line of defense. Behind these fortifications are 80,000,000 people prepared to resist, to the uttermost, invasion by any foreign foe. In the Philippines and in the Hawaiian Islands we have no such force of patriotic Americans to constitute a second line of defense; and if Manila or Honolulu be taken, we have no mighty force in the rear to drive the intruders out of the land as we have here in continental United States. So it has seemed to most of us that we

might well adopt the middle ground and say that we would proceed more rapidly in the insular possessions, relatively, than we have ever proceeded in continental United States; but, upon the other hand, that, proceeding more than twice as fast in those possessions as in continental United States, is proceeding with very considerable rapidity, and all that we are justified in doing under the circumstances. Now, Mr. Chairman, I presume from time to time I shall find it necessary to reply to those who may differ with the majority of the committee upon the wisdom or course pursued in drafting this bill, but I do not care to take further time of the committee in its original presentation.

Mr. CRUMPACKER. Before the gentleman takes his seat I want to ask a few questions purely for information. Has Congress adopted any plan for the fortifications of the Pacific Islands?

Mr. SMITH of Iowa. Congress can not be said to have adopted any plan.

Mr. CRUMPACKER. Did the Taft board recommend any system of coast defense for those islands?

Mr. SMITH of Iowa. It did.

Mr. CRUMPACKER. How many harbors and seaports are included in the policy or plan of the Taft board for coast defenses in the Pacific Islands?

Mr. SMITH of Iowa. The Taft board reports in favor of fortifying Manila, Subig Bay, Honolulu, Pearl Harbor, and Guam. The total estimates of the Taft board for our insular possessions are, in round numbers, \$22,000,000, but your committee have only allowed or recommended appropriations covering certain defenses in the Philippines and Hawaii. That is, the language of the bill is "For seacoast batteries in Hawaii and the Philippine Islands."

Mr. CRUMPACKER. Does the gentleman believe that the fortification of the harbors included in the report of the Taft board would constitute an adequate coast defense for the Philippine Archipelago, for instance?

Mr. SMITH of Iowa. I should assume that these defenses proposed at Subig Bay and at Manila by the Taft board would not be available for defenses of the other ports of the archipelago, but the expense of seacoast fortifications is exceeding great. The defenses at Manila would cost more than \$6,000,000, and at Subig Bay more than \$2,000,000.

Mr. CRUMPACKER. Let me ask the gentleman this: Unless we make adequate defenses in the Philippine Archipelago, we are in comparatively little better condition than if we made none. If we leave some exposed point for the landing of the enemy, we have lost practically the whole situation.

Mr. SMITH of Iowa. I think not. I may say, in the first place, that it is never practicable to attempt to fortify the whole coast at home, but only the important harbors. Now, the attempt to fortify all the islands, sparsely populated and of little value, of the Philippines, would cost a fabulous sum. The only purpose in the Philippines is to fortify the populous places and the available harbors and important naval bases.

Mr. CRUMPACKER. I wanted the gentleman's opinion on that question. I feel a good deal concerned over the situation in the Philippine Islands. They constitute our element of weakness in an international strife, in a conflict with a foreign power. There is no doubt about that. I wondered what the plan of the Government was toward defending these islands, because we have got to defend them as long as we control them. Now, the Taft board recommended fortifications and a number of additional harbors in the United States, did it not?

Mr. SMITH of Iowa. A very few additional harbors, if any. It did recommend some additional outer line of defense. For example, and there will be large discussion on that subject, which I do not care to go into now in detail, it will appear that the cities on Chesapeake Bay are fully and abundantly and impreguably fortified, but it does appear that at the time the Endicott board prepared the plans of seacoast fortification the range of guns and what they deemed a reasonable expense did not allow them to recommend the fortifications at the mouth of the Chesapeake Bay, but to fortify the cities and harbors of Chesapeake Bay. The Taft board has recommended the construction of an artificial island in the mouth of Chesapeake Bay, a project that was rejected by the Endicott board as being too expensive. That is an outer line of defense and is designed to prevent a foreign fleet from entering Chesapeake Bay and there making a naval base.

Mr. CRUMPACKER. The bill before the committee now carries no appropriation for that sort of an improvement?

Mr. SMITH of Iowa. It does not.

Mr. CRUMPACKER. I read some discussions, I think, in one of the magazines recently on that very question. I did not know whether it was feasible or not, because I know so little

about coast-defense work generally. Are there any fortified harbors in Porto Rico?

Mr. SMITH of Iowa. I understand that some Spanish fortifications exist there, but no money has been appropriated for Porto Rico, so far as I am advised, by the Congress of the United States.

Mr. CRUMPACKER. Did the Taft Board recommend fortifying any of the ports of Porto Rico?

Mr. SMITH of Iowa. They did, but the War Department has never regarded that as pressing as other insular possessions and has never made estimates therefor to us asking for money for that purpose.

Mr. CRUMPACKER. That is probably true, but in view of the fact that the amount carried by the bill has been reduced it occurred to me that it might be a good plan to start, if it be the ultimate policy of the Government to fortify Porto Rican ports, and I think it must be ultimately—

Mr. SMITH of Iowa. They are better fortified, as I understand it, than any other of the ports that we took from Spain.

Mr. CRUMPACKER. I have no doubt about that, and then their proximity to the United States gives them an additional safeguard; but it occurred to me that we ought to engage our thought and energy largely now toward fortifying these islands, because they are pretty generally exposed and they are a source of weakness and probably of concern.

Mr. SMITH of Iowa. I have always contended that we should largely defer to the judgment of the skilled men upon this subject, and they have insisted that the Pacific Islands were more important than Porto Rico.

Mr. CRUMPACKER. More important because more exposed?

Mr. SMITH of Iowa. More exposed in the sense that they are more distant and harder for us to defend.

Mr. CRUMPACKER. I think that is true enough.

Mr. KEIFER. Mr. Chairman, I would like the chairman of the committee to tell me whether I understood him correctly. I understood him to say that the appropriation proposed by the bill carries about 70 per cent of the estimates for insular possessions.

Mr. SMITH of Iowa. Oh, no.

Mr. KEIFER. Then I misunderstood the gentleman.

Mr. SMITH of Iowa. I will explain that so that there will be no misunderstanding. The Taft Board's estimate for the protection of the Philippine and Hawaiian islands is slightly in excess of \$11,000,000. The estimate of the Taft Board for the fortification of all the insular possessions is slightly in excess of \$22,000,000. The amount we give this year for the insular possessions, which will be expended all in Hawaii and the Philippines, is 7 per cent of the entire amount estimated for all the insular possessions, or 14 per cent of the amount estimated for the islands where these appropriations are to be expended. In other words, in about seven years with such expenditures as this, everything that the Department has ever estimated for would be completed in Hawaii and the Philippine Islands; but it must not be forgotten that we have already appropriated large sums toward this \$11,000,000. I am simply giving you the amount of progress this year at 14 per cent of the total estimate. As a matter of fact we have already appropriated about five millions when this bill is passed, or about half the amount, so that it would be only necessary to carry this for three or four more years to absolutely complete the appropriations asked by the Taft Board for the Hawaiian and Philippine islands.

Mr. MAHON. Mr. Chairman, I want to ask the gentleman a question. In making these appropriations of millions of dollars for the Philippine Islands, when are you going to get it back?

Mr. SMITH of Iowa. I never have understood that we have ever got back in any sense such as the gentleman apparently uses the term any money from anywhere. This money is expended for the protection of our pride.

Mr. MAHON. Yes; and you better get rid of them in some way.

Mr. SMITH of Iowa. Mr. Chairman, I will now ask that the gentleman from New York [Mr. FITZGERALD] occupy some of his time.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] in presenting the bill has given a comprehensive view of what has been done for the coast defenses of the country during the past eighteen or nineteen years, or since the initiation of the Endicott Board's scheme of coast defenses. I think it is a matter of some congratulation that the committee without any serious difference of opinion has found it possible to present a bill which is one of the smallest during the past seventeen years. The amount actually appropriated for the coast defenses of the United States proper is \$3,643,943. It is

not the belief of the committee that the defenses of the country are in a perfect condition, but it is always universally conceded that the defenses are in such condition that should an imperative call be made upon the military officials of the country adequate protection would be found afforded to the important and strategic points along the coasts of the United States.

What I wish particularly to criticize in this bill is the fact that so large a percentage of the moneys appropriated for the defenses of the country are made available for insular possessions.

Last year the estimates for the coast defenses amounted to the sum of \$8,953,112. The appropriation was \$5,053,993, and of that amount \$947,000, or about 19 per cent of the gross appropriation, was set apart for use in the insular possessions. The pending bill carries \$5,411,883. The estimates submitted by the Department for the coming year were \$15,068,559, while of the five and a half millions, in round numbers, appropriated by the bill, \$1,592,940, or about 30 per cent of the entire appropriation, is set apart for our insular possessions. It must be remembered, too, that in appropriating for the defenses of the United States, Congress is appropriating to carry out a well-defined plan which was prepared under the authority of a board created by act of Congress. In appropriating to provide for the defenses of our insular possessions money is appropriated not to carry out a well-defined scheme which was initiated with Congressional authority, but to carry out a plan which has been adopted by the executive department of the Government without so far having the approval or sanction of the legislative branch of the Government.

It will be remembered, too, that in the last session of Congress there was a serious conflict of opinion and sharp discussion as to the advisability of fortifying Subig Bay, in the Philippine Islands. In the plan under which, apparently, appropriations for fortifications in the insular possessions are being made the Taft board has indicated Subig Bay to be one of the most important places to be defended, and recommends a large sum to complete defenses there. My criticisms of the amount allotted for the insular possessions would be these: If these defenses be imperative, much larger appropriations should be made at once in order that the proposed fortifications may be available in any sudden emergency. If they be not imperative, if the policy of this Government regarding the Philippine Islands is yet to be defined, if ultimately—when I say ultimately I mean within a reasonable time—the United States are to relinquish control of the Philippine Islands, I doubt the propriety of now expending a very large sum in permanent fortifications at any places there. The so-called Taft board submitted a plan which calls for the expenditure of \$22,000,000 for the fortification of our island possessions, and the committee has allowed upon this plan money at a much more liberal rate than has been allowed for the coast defenses of the United States. In 1888, when the Endicott board's plan was adopted, as the Taft board points out, the absence of any navy that might properly be designated by that name made it imperative that there should at once be established harbors of refuge for our merchant marine, and in spite of that fact, in the year 1890 the appropriations under the fortifications act were only \$1,233,594. At this time, with what many people believed to be an ample naval force for any legitimate purpose, with the well-defined policy of the Government for some years past to keep some considerable naval force in Asiatic waters, it is nevertheless felt necessary in this bill, in order to protect the limited interest of this country in the Philippines as compared with our great interest here, to proceed at a much more rapid rate in making the appropriations for their defenses. Such haste, in my opinion, is unnecessary.

This bill contains the language regarding the defenses for the insular possessions in the same form as the last fortification act. Several years ago Congress required the War Department to submit estimates in detail for each place in our insular possessions where it was proposed to expend money for fortifications. In making the appropriations, however, the method of submitting the estimates has not been followed, but the appropriations have been given generally with discretion to the Department to use the money where it believes it to be most necessary. I believe it to be more important to attempt this year to change the language of the bill in this respect, particularly since the Taft board points out the places that should be fortified in the order of their importance, and the Secretary of War states that expenditures would be made for defenses at those places in the order specified, were it not for the fact that the Secretary also stated that if there were any difference of opinion as to the advisability of going on with the fortification of Subig Bay, and if sufficient money were not given to fortify both places in the Philippine Islands selected by the board, that he would use the appropriation made in this bill to complete

the defenses at Manila. So, merely to give expression to the difference of opinion that exists and in the hope that some day the policy of the Department may so change that the Subig Bay project will be abandoned, I call attention to the fact that the appropriation for the insular possessions will not complete the defenses contemplated at both places, but may be used with great advantage at the place the Secretary deems most important—Manila.

The Taft board, in its report, points out that it is a "naval maxim that the enemy's fleet is the primary objective, and it follows that the harbor defenses can not depend upon the presence of any vessels to resist a naval attack. While it is possible such vessels may be in the port, their presence will not be part of a plan for harbor defense by naval cooperation. It follows, therefore, that the defense of such harbor must depend immediately upon guns and not marine mines, and that this defense must be sufficiently strong to repel any naval attack that may reasonably be expected."

And yet, in the report of the Taft board, one of the reasons given for the fortification of Subig Bay is to make available for the defense of Manila the fleet that is supposed to operate from Subig Bay as a base.

My only purpose in saying anything upon this bill, Mr. Chairman, was to give expression to my dissatisfaction at the extent of the appropriations for the insular possessions in comparison with those for the United States proper. I believe that the committee has acted conservatively, and has given in the main all that is imperatively required for the coast defenses at this time. And following the action of my colleague upon the committee, I shall reserve for other places, when special items are reached in the bill, any further suggestions I may have to make regarding such items.

Mr. Chairman, if the gentleman from Iowa [Mr. SMITH] is not ready to consume some of his time, I will yield to the gentleman from Tennessee [Mr. GAINES] thirty minutes.

Mr. SMITH of Iowa. Very well.

Mr. FITZGERALD. Mr. Chairman, I yield thirty minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Chairman, I desire to discuss what is commonly known now in the newspapers and amongst the Members of Congress as the "docking bill." I do not know if the American people could see this Chamber at this moment that it would be necessary for me to discuss, certainly for the people of the country, the need of a docking bill, to force the Members of the House who are chronic absentees to attend the daily sessions.

Here is a bill now under consideration, Mr. Chairman, that carries nearly \$5,000,000, I think, and with practically an empty Chamber to listen to the discussion of these two matters. I dare say, Mr. Chairman, that there were not any more Members present when we passed the legislative, executive, and judicial appropriation bill some weeks ago. That was an immense bill. I do not know how many millions of dollars it carried.

But I do know that as soon as the Members voted on the salary question that a great many of them pitched out for home or somewhere—I do not know where they went. We all know that.

Mr. Chairman, I have started this move, and I have done it reluctantly. I have no ill-feeling toward any Member of this House nor of the Senate. My relations, I am gratified to say, are pleasant and have been pleasant during my Congressional career.

But, Mr. Chairman, I feel that I owe a duty to this House; I owe it to my constituents, I owe it to the country, to bring this chronic absenteeism to the attention of not only the Members of this House, but the people of the United States. I am under oath to uphold the law. So are you, gentlemen. And why? Because, Mr. Chairman, of the very thing that occurs here day after day, which I have described, namely, a chronic absenteeism of the Members of this House when great questions of state are being or should be discussed, and when millions and millions of the people's money are being spent as though money grew on trees.

And who does the daily work day in and day out? It is the handful of faithful men who come *here day in and day out*. Why, Mr. Chairman, I was delighted a few minutes ago to join in the applause that greeted the announcement of the Speaker when he turned over the committee to the gentleman from Illinois [Mr. MANN], who from 12 o'clock every day until this House adjourns is in his seat and upon his feet, looking after the business of this House and of the country. Like an intellectual corkscrew our minority leader [Mr. WILLIAMS] stands on watch on this side, and few more. There are a few faithful on each side. They bear the daily burden that we all should help bear and see that the work is well done.

I have seen both of our leaders ask "Where are our men on this committee," and no one present to answer and explain the merits or demerits of the bill.

Then both leaders pry into the bill to see what it is—at great disadvantage, of course. This they must almost daily do. It should not be so. Members should be here from all the committees and look after bills coming from their respective committees.

So much for this.

In a number of Congresses away back yonder the absent Members, except their excuse was illness, were docked. I ask the Clerk to read the form used by the Sergeant-at-Arms in the Fifty-third Congress.

The Clerk read as follows:

IMPORTANT.

OFFICE SERGEANT-AT-ARMS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., _____, 189—.

DEAR SIR: I mail you herewith a blank which contains a copy of section 40 of the Revised Statutes of the United States, passed August 16, 1856, together with a certificate to be signed by you showing the number of days, if any, you have been absent from the House during the month of _____, 189—.

The certificate of the Speaker, which follows it, will be filled out according to the facts certified by you.

This certificate can not be filled out by you until the 3d of each month. As the 4th is pay day, the Speaker can not sign or the Sergeant-at-Arms pay this certificate in time to meet the checks that many Members have been in the habit of making payable on the 4th of each month.

Section 40, referred to above, will be enforced on May 4, 1894, covering the month of April, as I am advised that I am left no discretion in the matter.

To prevent serious inconvenience to Members and to prevent protest, checks which may have been in the habit of making payable on that day should not be drawn against their accounts until they have actual knowledge that their salaries have been placed to their credit if they desire to draw against the current month.

Respectfully,

H. W. SNOW,

Sergeant-at-Arms House of Representatives, United States.

To the Hon. _____,

[Section 40, Revised Statutes.]

The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member of Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., _____, 189—.

I hereby certify that during the month of _____ I have been absent _____ days, for which deductions should be made under section 40 of the Revised Statutes.

Mr. GAINES of Tennessee. Now, Mr. Chairman, that form was prepared by Speaker Crisp himself, and he so stated on the floor of this House, as the RECORD shows. I will read the form again:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., _____, 189—.

I hereby certify that during the month of _____ I have been absent _____ days, for which deductions should be made under section 40 of the Revised Statutes.

Now, then, here is the present form used:

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
Washington, D. C., _____, _____.

I certify that there is due to the Hon. _____ four hundred _____ dollars, as a Member of the House of Representatives for the Fifty-ninth Congress.

Received payment, _____
\$41—.

Now, I did not know one word about the act of 1856 being the existing law until I had introduced the bill on the subject. In looking up the laws fixing the salaries of Members of Congress—the old acts—I came across these docking statutes, and seeing this chronic absenteeism growing and the evil results resulting I sat down at my desk here and wrote this bill and introduced it. I found as early as 1816 a docking statute was enacted. Members were then put on a salary.

Previous to 1816 the Members of Congress were allowed so much per day for each day's attendance in many if not all the laws, so that you see I have come by this matter very naturally and very honestly.

The rules of the House provide that—

Every Member shall be present within the Hall of the House during its sitting, unless excused or necessarily prevented, and shall vote on each question put, unless he has a direct personal or pecuniary interest in the event of such question. Pairs shall be announced by the Clerk after the completion of the second roll call from a written list furnished him and signed by the Member making the statement to the Clerk, which list shall be published in the RECORD as part of the proceedings immediately following the names of those voting: *Provided*, That pairs shall be announced but once during the same legislative day.

I was looking at the statute of 1856 when I wrote out the bill that I prepared. My bill is substantially that act with

this material difference, that the law of 1856 does not require the Member of Congress to certify "in writing" that he has been absent by reason of sickness. The bill that I introduced does require the excuse to be "in writing." That written certificate would be on file in the office of the Sergeant-at-Arms, and open to the public to read. This is a day of publicity. This would strengthen the law.

So you see, gentlemen, that the situation historically, so far as I am concerned, is just as I have stated it.

As stated, the act of 1816 fixed the salary for the first time at so much per year. Previous to that it was a per diem, but the act of 1816 contained this proviso:

Provided, nevertheless, That in case any Senator, Representative, or Delegate shall not attend in his place at the day on which Congress shall convene, or shall absent himself before the close of the session, a deduction shall be made from the sum which would otherwise be allowed to him, in proportion to the time of his absence, save and in case of sickness, under the same provisions as are established by existing law; and the aforesaid allowance shall be certified and paid in the same manner as the daily compensation of Members of Congress has heretofore been.

The act of 1816 was repealed by the act of January 22, 1818, which put the Members back on a daily allowance in this language:

That at every session of Congress and every meeting of the Senate in the recess of Congress after the 3rd day of March, in the year 1817, each Senator shall be entitled to receive \$8 for every day he has attended or shall attend the Senate, and shall also be allowed \$8 for every 20 miles of estimated distance.

And so forth. A similar provision in the next session applied to Members of the House in the next section. Now, that was the law down to 1856. By the act of 1856 the law was made what it is to-day. I think I have the act here.

By the act of 1856 it is provided:

SEC. 6. That it shall be the duty of the Sergeant-at-Arms of the House and the Secretary of the Senate, respectively, to deduct from the monthly payments to the Member as herein provided for the amount of his compensation for each day that such Member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign a reason for such absence, the sickness of himself or some member of his family.

Now, that is the act of August 16, 1856, which was carried into the Revised Statutes of 1878 as section 40, which was referred to by Mr. Snow, the Sergeant-at-Arms in the Fifty-third Congress. Here is what Mr. Snow inserted in that notice:

Section 40, referred to above, will be enforced on May 4, 1894, covering the month of April, as I am advised, and I am left no discretion in the matter.

The law did not say that this, that, or the other man should enforce it. It says the Sergeant-at-Arms shall do so. Now, the Sergeant-at-Arms is an officer of this House. He is under oath and bond to obey the law. Rule IV of the House, which defines the duties of the Sergeant-at-Arms, reads as follows:

1. It shall be the duty of the Sergeant-at-Arms to attend the House and the Committee of the Whole during their sittings to maintain order under the direction of the Speaker or Chairman, and, pending the election of a Speaker or Speaker pro tempore, under the direction of the Clerk; execute the commands of the House, and all processes issued by authority thereof, directed to him by the Speaker; keep the accounts for the pay and mileage of Members and Delegates, and pay them as provided by law.

SEC. 2. The symbol of his office shall be a mace, which shall be borne by him when enforcing order on the floor.

Let us go a little further, Mr. Chairman, and see how this law was enforced. You will find that in 1862 or in 1863, I forget which it was, Congress passed an act or resolution excusing the soldiers in the civil war who were Members of Congress. That was brought about by some Members coming up here who had been away fighting for their country, and the Sergeant-at-Arms refused to pay them their salary because they had been absent and could not excuse themselves because of having been sick. It reads as follows:

That until the further order of Congress the Secretary of the Senate and Sergeant-at-Arms of the House are directed to receive as a valid excuse for absence from duty in Congress active employment in military service for the suppression of the rebellion *without pay*.

Without pay. Soldiers were not allowed pay while in the military service; surely Members should not expect pay in time of peace when wrongfully absent.

At the same time, Mr. Chairman, that was passed the Hon. Charles Sumner offered a provision, which is now section 41 of the Revised Statutes, which permits the House and the Senate to excuse members under certain limitations.

SEC. 41. When any Member or Delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.

Now, gentlemen, what has been the effect of this law? When was any docking done? I do not intend to call names, I have not undertaken to find out who were docked in recent years,

and I do not know who were docked and do not care who were docked. In fact, if I had the names I would not print them. But I find on page 3 of a House report, when it was being enforced in the Fifty-third Congress, this statement by Mr. Wolverton, from Pennsylvania, who reported this act of 1856—section 40, Revised Statutes, was the law. The report says:

Section 6 of the act of 1856 (now section 40 of the Revised Statutes) was understood by Members of Congress to be in force long after the passage of the act of 1866, and large amounts were deducted under it on account of the absence of Members and covered into the Treasury between 1856 and 1867, inclusive. In several cases large sums were deducted.

The committee can see how far back this law has been enforced. The report goes on to say:

In several cases large sums were deducted. Among others, Hon. Francis P. Blair in one year deducted \$774.55; Hon. George W. Bridges, \$1,685.10; Hon. Jacob P. Blair, \$205.50; Hon. Benjamin Wood, \$73.98; Hon. C. C. Culver, one hundred and seventy-three days, \$2,402.78. These are only a few of the instances among many.

These names have already been printed.

Now, then, in 1869 the question came up, and the Sergeant-at-Arms submitted a letter as to whether or not to dock certain Members who had not been sworn in as Members of the House, and the House again recognized the existence of this law. It has been recognized by recent Congresses, the Fifty-third Congress enforcing this law when Mr. Snow, Sergeant-at-Arms under Speaker Crisp deducted salaries to the amount of \$12,000—\$12,000—I presume in one session, because of absenteeism! And under the regulation that I have read to you a few moments ago the question came up in the Fifty-fourth Congress as to whether or not they would reimburse these Members who had absented themselves from the House in the Fifty-third Congress. The question was raised upon the floor of this House and defeated, and the law again vindicated and upheld by a vote of 113 yeas to 55 nays on the motion carried to strike out the appropriation. Here are the words of the item in the appropriation:

To enable the Sergeant-at-Arms of the House of Representatives to pay Members of the House of Representatives of the Fifty-third Congress the amounts withheld in their salaries on account of absence, \$12,000.

This was stricken out, as stated.

At page 192 of Hinds's Parliamentary Practice you will find that these rules and practices, etc., are referred to as having been upheld. I turn now to the Manual that Mr. Hinds gets up for us, entitled "Constitution, Manual and Digest," and on page 553 of that book we find the following:

Provisions of Constitution relating to compensation of Members. (7) *Constitution, Article I, section 6, p. 6.*

Rate of pay of Member and how disbursed. (11) *Revised Statutes, sections 38, 39, 46, 47, 48; 18 Stat. L., p. 4, 389; 14 Stat. L., p. 323; 19 Stat. L., p. 145; 26 Stat. L., p. 645; 22 Stat. L., p. 108.*

The pay and mileage of Members are disbursed by the Sergeant-at-Arms. (1715, 1717) *Rule IV, section 1; 26 Stat. L., pp. 645, 646.*

Certificates of salary and mileage of Members may be signed for the Speaker by a designated employee. *33 Stat. L., p. —.*

The statutes provide for deducting the pay of Members in certain leaves of absence. *Revised Statutes, section 40.*

The above law has been enforced. *2-53, Record, pp. 3797, 4130-4133. Reports Nos. 704, 1218; 2-54, Record, pp. 2013, 2049-2057.*

Less than a quorum may not direct the enforcement of section 40, Revised Statutes, in order to secure the attendance of absent Members. (301 and footnote) *1-51, Journal, p. 1025, Record, p. 9922.*

I believe Mr. Speaker Carlisle ruled that that was the law; that is, that less than a quorum could not pass this resolution.

Mr. Chairman, I did not intend to discuss this question of law. I was simply going to discuss the usefulness of this law and these rules, the great need of both and their enforcement.

I have here a report made in the Fifty-third Congress upon a measure to repeal this law. Mr. Powers reported it from the Judiciary Committee. But the law was not repealed. It is now still the law as much as then.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. GAINES of Tennessee. Will the gentleman from New York give me a little more time?

Mr. FITZGERALD. How much time does the gentleman want?

Mr. GAINES of Tennessee. Fifteen minutes.

Mr. GROSVENOR. Does the gentleman from Tennessee claim that a Member of Congress, in order to receive the salary of \$5,000 a year, is compelled to remain in this Hall all the time?

Mr. GAINES of Tennessee. No; not at all.

Mr. GROSVENOR. In his seat?

Mr. GAINES of Tennessee. Not at all. He may be working in the committee room by an order of the House, by permission of the House. We grant these orders every day.

Mr. GROSVENOR. What does the gentleman say to the provision of the Constitution that inveighs against cruel and unusual punishment? [Laughter.]

Mr. GAINES of Tennessee. The gentleman asks me about whether or not I say a Member of Congress must be here in this Chamber to earn his salary. I said no; he may have to be in the committee room, as I was yesterday, by permission of the House, but I was at work with my committee. He may have to be in the River and Harbor Committee room, where about eighteen of the best Members of Congress are, and whose attention and advice and assistance we must necessarily lose upon the floor of this House every day until they get their report in. Hence the greater reason for the Members of Congress to be here every day, so that when these committees sit, as they must sit from time to time and day to day, but not every day on special matters, as in my case—the greater reason, I say, for a constant and daily and perpetual attendance upon the part of the Members of this House, except in case of illness.

Now, who made these rules? The gentleman from Ohio helped to do it and perpetuate them. He is almost the king bee of rule, Mr. Chairman, and the rule is proper. Of course, Mr. Chairman, a Member has to be absent sometimes, but by permission of the House, attending to his committee work—special hearing's rule—but he is still here in the Hall constructively, and the courts, I think, have so ruled, and the Speakers have also, I think, in questions of Members for assault and the bringing in of contemptuous witnesses, and matters of that sort, saying, in effect, a committee is a branch of the House. But let that be as it may, the point I make, Mr. Chairman, is: All Members should be here and take it turn about in this floor work and not leave the House so as to put practically all the burdens of legislation upon a few faithful men who are daily here.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. GAINES of Tennessee. With pleasure.

Mr. PAYNE. Has the gentleman in his researches been able to find out whether the attempted enforcement of this rule had any effect?

Mr. GAINES of Tennessee. I was getting to that when interrupted a moment ago by the gentleman from Ohio, and I will proceed to show that it did compel the attendance of Members.

Mr. PAYNE. I want to say to the gentleman my recollection is—I was here at the time Speaker Crisp decided to enforce it—that the thing broke down of its own weight. It did not last a great while, and the whole thing went into what was called in those days "innocuous desuetude."

Mr. GAINES of Tennessee. I understand. I am accused of digging up this "innocuous desuetude." I do that because I believe I am right, and I am quite sure the gentleman from New York will join in trying to relieve himself of his unceasing floor work here. I see that gentleman, rich with honors and blessed with the wisdom of at least the beginning of old age, coming here at 12 o'clock every day and staying until 5, 6, sometimes 7, looking after bills good, bad, and indifferent. The gentleman has asked me whether or not the enforcement of this law "broke down." In 1890 the House did not have a quorum, and the House would not adjourn. This resolution was offered by Mr. HAUGEN:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such Members as are now absent without leave of absence.

Mr. Buchanan, of New Jersey, a Republican, offered an amendment, as follows:

Resolved, That the Sergeant-at-Arms be, and he is hereby, directed to enforce the provisions of section 40 of the Revised Statutes of the United States.

This amendment was accepted. Then Mr. Buckalew, of Pennsylvania, made an observation, and the present Speaker of the House, Mr. CANNON, made this reply:

Does not the gentleman from Pennsylvania think that it would be a very effective

The word "effective" is italicized in this report. I imagine Mr. CANNON italicized it by both manner and voice.

Effective way to procure the attendance of gentlemen.

Mr. BUCKALEW. Yes.

That is what the Speaker, Mr. CANNON, said and thought in 1890.

In 1862 Mr. Sumner said that the absenteeism of the Senate and House was so great that they could not keep a quorum, and this statute of 1862 was to compel them to remain and do business.

I want to state what Mr. MALLORY said on the floor of this House during the enforcement of that law in the Fifty-third Congress, as follows:

I believe that the regulation has worked well. I think it has done just what we have been striving vainly heretofore to accomplish; that is to say, to secure a quorum on the floor of the House at all times, and whether it is the law and whether it is just or right or not, I think it

a good rule, and we would be guilty of a great wrong and be doing ourselves gross injustice if, after adopting the rule and adhering to it through the last and this session, we should now abrogate it. It would simply give an excuse for subsequent Congresses to do the same thing.

That is the language of Mr. MALLORY in 1895. Judge DE ARMOND in his report in the Fifty-third Congress, filed in July, said it had the effect to bring Members in. Then we have this statement of Mr. CANNON, our present Speaker, that it was an "effective" means of procuring the attendance of gentlemen here. Why, I will say to my friend from New York that since the news of the resurrection of this old statute by myself a few days ago went all over the country for the first time since the vote on the salary question some three weeks ago we had about 210 or 215 Members of the House a few days ago. The Speaker counted that many, but we have had a handful here to-day and for several days.

I think I have recently seen Members of Congress here who had not been here at all this session of Congress except to get their mileage, perhaps, and to get their salaries. Others have not appeared at all. I have seen Members here since I raised this question, Mr. Chairman, who were not here before. It is immaterial to me. I have been criticised and abused about my action in this matter, but I can not permit that to drive me from my post of duty. I have no feeling in this matter, absolutely none. I am doing my duty under the law which we all swear that we will uphold and enforce. Now, without any ill-feeling in the world, I want to say to the distinguished gentleman from Pennsylvania [Mr. MOON], and I want to say to my good friend from Kentucky [Mr. SHERLEY], who have in charge this criminal-code revision that we are to take up here in a few days, that certainly we should have at least a quorum here to revise criminal laws. Surely we should have all the Members here when we tear up the criminal laws of this country and put them back in place in about forty-eight working days, and do the balance of the business of this country. It is very opportune for this law to be enforced, and I hope it will be. And I want to say to these distinguished gentlemen, as I started to say, that we must have a quorum here to do that work.

I am not going to have the criminal laws of this country revised by a handful of Members. The people are not suffering for revised criminal laws. But the lawyers suffer because of unrevised codes.

You remember that in 1874 the "revisers" revised into our coinage laws a provision that stripped existing silver dollars of their legal tender, and but few knew anything about it. The revisers "changed" the "existing" law. In 1873 there was a "demonetization of silver," and even Speaker Blaine confessed he did not know the bill enacted did so. The "watchdog of the House," Mr. Holman, said the same thing, and a number of celebrities said the same thing. It is because, gentlemen, Members of Congress are not here during these dry debates, but the "whips" get them here by force when a roll call is expected. I know they are dry. I make a dry speech myself. I am a dry man, Mr. Chairman, in some respects. [Laughter.]

Mr. BURLESON. Are we to understand from what the gentleman states that he proposes to insist on a quorum being present?

Mr. GAINES of Tennessee. I certainly shall insist on a quorum being present to revise the criminal laws of my country.

Mr. BURLESON. And the gentleman intends to make that statement good?

Mr. GAINES of Tennessee. I do, sir. If I can get the Speaker to stand with me and stand by the Constitution, I am going to have it.

Mr. BURLESON. I hope the gentleman may.

Mr. GAINES of Tennessee. I hope the gentleman from Texas will help me. I join hands with him on that.

I feel that it is my duty to do what I have done. I have done it without offending anyone, I hope, but if I have I want to say this, if anybody takes it as personal, Mr. Chairman, then they must simply take it, for I will not retreat or retract. I have stayed inside of the four corners of the RECORD, as I understand it. If I have misstated a single fact I will correct it if you will show me in error. I am standing by the law that the Democrats enforced and I am standing by the judgment on that law that a Republican Congress enforced, the Fifty-fourth Congress, that refused to refund this money. They refused by a heavy vote to refund it, and I remember what the present Speaker of this House said when that matter was up, and if I can turn to it promptly I will read it. His words are in the RECORD. He said that Congress had adjudged that this act of 1856 was the law and enforced it, and now if we go along and permit this appropriation to be allowed in this bill then it is repudiating that and repudiating the law and saying it is not the law. The House stood by that position and refused to ap-

propriate this money. So, gentlemen, there is nothing partisan in this matter. Both Republicans and Democrats have enforced it. It is the law to-day. It is our duty to the people of this country to stay here, as a few of the men of this House have done, from the time the House is called to order in December, day in and day out, until it adjourns, except in case of sickness. There may be other proper excuses for leaving, but the grace of the House in that respect has been abused and the public service suffered.

Mr. SMITH of Iowa. I yield ten minutes to the gentleman from Pennsylvania.

Mr. MAHON. Mr. Chairman, this fight was fought out in the Fifty-third Congress. The Reed rules had been adopted in the Fifty-first Congress. The Democrats came in and in the Fifty-third Congress the Republicans made up their minds they should adopt the Reed rules, which Congress did. In the Fifty-third Congress Speaker Crisp issued that order docking Members. I was very prompt in that fight. I resisted that order. The act of Congress in 1854 gave to Members \$5,000 a year salary, and that was not divisible at the option or by the decision of any Speaker of the House. Some men docked themselves; I did not. I had \$7,000 in the office here and Speaker Crisp very kindly gave me a certificate, and I got it at the end of the Fifty-third Congress.

Mr. SMITH of Iowa. Mr. Chairman, I yield ten minutes to the gentleman from Iowa [Mr. LACEY].

Mr. LACEY. Mr. Chairman, perhaps it would be well to spend time enough to find out what the facts are in regard to the so-called "docking of salaries." It would hardly be worthy of discussion now, I think, if it had not been for the fact that the newspapers have again taken up the subject recently and have been discussing the question as to whether these absences should be deducted for under existing law. In the Fifty-third Congress Mr. Crisp attempted to hold a quorum by enforcing section 40 of the Revised Statutes and requiring each Member to certify that he had not been absent from the House except in case of sickness of himself or in his family. Most of the Members simply changed that certificate and certified that they had "not been absent any time for which deduction could legally be made," and on that certificate most of them drew their salaries. There were a few exceptions. I remember where a gentleman from the West, whom I will not name, but who was then commonly known as "Uncle Joe," attempted to reason it out in his pay certificate. He put the statement in the certificate that he had been absent so many days and that he had been "absent by leave of the House;" but Mr. Speaker Crisp refused to certify his pay, so he lost \$39.40. There was a report current here in the House at that time that in a subsequent conversation on the streets of the gentleman's home town two farmers got to talking about this circumstance, and one of them said: "I understand that 'Uncle Joe' is a losin' of his mind." The other one said: "No! What's the matter?" "Well, they say he ain't got sense enough to draw his pay." [Laughter.] That was a common story in the cloakroom here for some time. The gentleman lost his \$39.40, which has never been paid.

When the question of payment of this previously deducted item came up in the Fifty-fourth Congress the House refused to allow the payment of this \$39.40 in an appropriation bill, more for a joke on the Member who did not know how to draw his pay rather than for any other reason. It was voted out of the legislative appropriation bill in the subsequent Congress in a spirit of fun.

Now, let us get at the actual facts, and I will only detain the committee for a few minutes to call attention to what the situation really is, because there are many gentlemen in this House to-day who were not members of the Fifty-third Congress. This question has become ancient history. In 1856 the law was changed increasing the salary of Congressmen to \$3,000 a year, with the provision that they should deduct for each day's absence, unless the absence was caused by sickness or sickness in their families. In 1873 the "salary grab," so called, was passed, in which the salary, including back salary, was raised to \$7,500, and this old section of the act of 1856 was incorporated into the Revised Statutes. In 1866 the law had been changed, raising the salary from \$3,000 to \$5,000, without preserving the limitation of the section of the act of 1856 which provided for the deduction. Consequently, from 1866 to 1893, Congressmen all drew their full pay without deduction for absence. This section 40 of the Revised Statutes was repealed subsequently, and the repealing law provided that the compensation of Members be the same as in existence before the act of 1873. This repealed the provision as to deduction for absence, and every Congressman, from 1866 down to 1893, drew his full pay without deduction for absence, and Mr. Speaker Crisp, in

order to force Members to attendance at a time when he was trying to hold a quorum, and in order to evade the necessity for adopting the Reed rules for counting a quorum, revived the operation of this old statute. After a long struggle Speaker Crisp was compelled to bring in a rule adopting the Reed rules, and we have been following them ever since, and no attempt has been made to revive the repealed act of 1856.

I will incorporate into my remarks the acts of 1856 and of 1866. The act of 1866 was revived by the subsequent act of Congress which repealed the \$7,500 salary act of 1873. There was a division of opinion in the Judiciary Committee in the Fifty-third Congress as to whether or not section 40 of the Revised Statutes remained in force. Many eminent lawyers held that it was not. Judge Ray, of New York, afterwards the chairman of the Judiciary Committee; Mr. Stone, afterwards governor of Pennsylvania; Judge Broderick, and Thomas Updegraff, of Iowa, all gave it as their opinion, in a report to the House, that that provision had been repealed. Mr. Reed was of the same opinion. It was a debatable question, but Congress has invariably acted upon the assumption that when the act of 1873, raising the salary to \$7,500, was repealed section 40 went with the repeal, and the act of 1866 was revived, and I doubt whether there is any gentleman on either side of the Chamber who has deducted a dollar from his salary in the present Congress or in the last or in any Congress since this flurry that occurred in the Fifty-third Congress. I think it is only just to the Members of this House, in view of the revival of this question, that these sections of the statute should go into the record for the convenience and examination of those who have been commenting upon the question. Those sections are as follows:

The act of March 16, 1856 (Stat. L., Vol. II., p. 48) fixing compensation for Members of Congress, provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be \$6,000 for each Congress, and mileage as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for the first session, and on the first day of each month thereafter during such session at the rate of \$3,000 per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time at the rate aforesaid still unpaid; and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of \$3,000 per annum, until the 4th of March terminating the Congress, and on that day each Senator, Representative, and Delegate shall be entitled to receive the balance of the \$6,000 not theretofore paid in the monthly installments above directed."

The sixth section of that act, now known as section 40 of the Revised Statutes, provides—

"And be it further enacted, That it shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate, respectively, to deduct from the monthly payments of Members, as herein provided for, the amount of his compensation for each day that such Member shall be absent from the House or Senate, respectively, unless such Representative, Senator, or Delegate shall assign as the reason for such absence the sickness of himself or of some member of his family."

A joint resolution was passed by Congress, approved December 23, 1857, which changed the act of 1856 only in regard to the payment of all compensation which had matured up to the beginning of the sessions of Congress at the beginning of the Congress instead of at the end of the session.

In 1866 Congress passed an act relating to the compensation of Members (see Stat. L., vol. 14, p. 23), which provides—

"That the compensation of each Senator, Representative, and Delegate in Congress shall be \$5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

When the Revised Statute as to \$7,500 salary was repealed the repealing act provided that the law in force at the time of the passage of the act, which was incorporated in the Revised Statutes, and the law in force from 1866 to 1873, made no provision for deductions on account of absence.

Mr. SMITH of Iowa. Mr. Chairman, I yield ten minutes to the gentleman from Ohio [Mr. GROSVENOR].

Mr. GROSVENOR. Mr. Chairman, I think it would be well that there should go to the country in this connection a few words of explanation in regard to this subject which seems to have been the burden of the speech of the gentleman from Tennessee [Mr. GAINES]. I have heard a great deal of talk upon that topic, and about once in a certain length of time, in a sort of cycle of events, we hear sprung upon the floor of the House a suggestion in effect the same as that of the gentleman from Tennessee, and the country is liable to be very greatly misled about the matter of the absenteeism of the Members of the House of Representatives. People are very apt to read in the papers these fiery and eloquent and well-intended denunciations. Sometimes I have thought that they were made for home consumption exclusively, and were intended for effect neither upon the House nor yet to affect any conditions outside of perhaps a few Congressional districts.

I was a Member of the House of the Fifty-third Congress, and

I had great respect for the Speaker of that House, Mr. Crisp. I think there is no Member here who served in that House who would go back to the system that was attempted to be enforced there. I do not say there was no such occasion, but I have no recollection that any Member asked for a leave of absence and did not get it without a word of hesitation on the part of the House. And when that condition exists in a House of Representatives, the question of deducting pay of the Members does not have the slightest effect upon the presence of the body of the membership. All a Member has to do is to file with the Speaker a request for leave of absence indefinitely on account of important business, and that is the end of it.

Mr. PAYNE. Did not the law formerly in force provide that no Member should be absent except from sickness—that is, if he was absent except from sickness his pay should be forfeited?

Mr. GROSVENOR. Yes; that is very true.

Mr. PAYNE. I think that was the law. If any gentlemen were absent and were not excused, they were forced under this certificate to lose part of their pay.

Mr. GROSVENOR. Yes; and I will tell you how that was done. It was one of the most simple propositions ever known to ingenious Congressmen. A Congressman then put his construction upon the law, and he put the word "legally" just before the word "deducted," and that was all there was of it. There never was one of those certificates that failed to be honored in the Speaker's room and in the office of the Sergeant-at-Arms. Is it a very great misfortune to the country that Members of Congress do not stay always in the House of Representatives? I have seldom known any harm to come from it. Some of the wisest legislation we have had has been largely prepared in the committee room and brought in here, and, in a very large part, the work of Congress is done in the rooms of the committees. So that little good comes from forcing an attendance. And the attendance under the rules of the Fifty-third Congress did not average a satisfactory answer.

Then there is another thing. I am going out of Congress, and it doesn't make a particle of difference to me. I expect to be present every day until the end of this session, but I shall have to be a little better physically than I am now if I stay very closely. Does it sound well—and I appeal to my friend from Tennessee [Mr. GAINES]—is it a nice thing for a body of gentlemen, elected throughout the United States and answerable to their constituents at home, men charged with the duty of legislating for the greatest country in the world, that they should be mustered, that there should be reveille in the morning and tattoo at night and "taps" finally when we go to bed, and have an orderly sergeant to report our presence or absence? For when the American Congress reaches that point, so that the constituency can not trust the Members of Congress to do their duty without interference of this sort of a provision, it will be time to consider some other sort of a House than the present one. The Members of this House are men of honor and do not need this system of espionage and censure.

I say it did not do any good, and if any man will take the proceedings of the Fifty-third Congress and read them carefully he will find there has been no Congress from that date that did more harm and less good than that one. The people got a chance at that Congress, and in the Fifty-fourth Congress the majority was changed into a very insignificant minority, and the business of the Fifty-fourth Congress rose up and blessed the country. I shall have something to say about that at a later date.

So I deem it absurd. The law has been ignored by common consent; it has been condemned by the common judgment of the House of Representatives. It has been ignored by the press and the country, and for the simple reason that there are plenty of Congressmen here to-day to do the work of Congress. We never have any serious difficulty in bringing together substantially the whole force of the House of Representatives when it is necessary. I think there is no body of men in the world that answers more promptly to the suggestion of the necessity for their presence on special occasions than do the Members of the House of Representatives. A circular from the whip on the Republican side, a circular from the Democratic whip on the other side, brings into this House at the specified time practically all the Members of the House who are in the city; and then the pairs that we have equalize the business, and there is little or no trouble. So I think that the provision suggested by the gentleman from Tennessee [Mr. GAINES], made, as it undoubtedly has been, in perfect good faith, and made under the distinct belief by him that he is doing a patriotic duty, in my humble judgment, Mr. Chairman, has nothing in it worthy of the consideration of the House of Representatives. [Loud applause.]

Mr. FITZGERALD. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Chairman, I rise simply to ask permission to have printed in the RECORD the views of the minority of the Judiciary Committee of the Fifty-third Congress upon the proposal to repeal section 40 that we have talked about this afternoon.

The CHAIRMAN. The gentleman from Missouri asks leave to print in the RECORD the minority views indicated. Is there objection? [After a pause.] The Chair hears none.

The following is the matter referred to:

[House Report 1218, Part 2, Fifty-third Congress, second session.]

SECTION 40, REVISED STATUTES.

July 13, 1894.—Referred to the House Calendar and ordered to be printed. Mr. DE ARMOND, from the Committee on the Judiciary, submitted the following views of the minority [to accompany H. R. 7274]:

A majority of a quorum of the Committee on the Judiciary have reported to the House with a favorable recommendation the bill (H. R. 7274) to repeal section 40 of the Revised Statutes of the United States, and the undersigned, members of the committee, being unable to concur in the conclusion of those who favor the repeal of said section, very respectfully submit some of the views upon which they rest their dissent.

Section 40 of the Revised Statutes is as follows:

"SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each Member or Delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such Member or Delegate assigns as the reason for such absence the sickness of himself or of some member of his family."

The purpose of this provision of the law is so clearly apparent from a reading of the section itself that nothing is left for explanation or interpretation. Section 40 rests upon the proposition that Members of Congress are paid for attendance upon the sessions of the body to which they respectively belong, and for a discharge of their representative duties. Whenever, on account of sickness of himself or of a member of his family, a Congressman is absent from his post of duty in the House of which he is a Member, the law, as a matter of grace rather than of right, permits him to draw his salary, without diminution on account of his absence. But when absent otherwise than on account of sickness of himself or of some member of his family, the law requires a surrender of the compensation to which the Congressman would be entitled if present, in discharging his public duties as a Senator or Member of the House. We do not see how this provision of the law can be challenged as lacking in justice or propriety. If a Member of Congress chooses to neglect his public duties to attend to private business or for personal recreation and enjoyment, there does not seem to be any injustice in requiring him to forfeit the salary which he might earn and might be entitled to, but which he prefers not to earn, and to which he certainly is not entitled.

It is known to all the Members of the House, as well as to the general reading public, that it was deemed necessary some months since to require the Sergeant-at-Arms of the House to enforce the law as contained in section 40, in order to insure the attendance of a quorum of the Members of the House, and thus prevent unreasonable and inexcusable delay in the transaction of the public business. Hardly had the enforcement of the law fairly begun until certain Members made the valuable discovery, as they thought, that this section had been repealed by implication, and that, therefore, no law exists for withholding from absent Members a part of the salary, to the whole of which those present and discharging legislative duties are entitled. When the bill providing for the legislative, executive, and judicial expenses of the Government was under consideration in the House, an amendment was adopted in the Committee of the Whole (where there is no roll call, and where Members can vote as they please without making a record upon which responsibility for their votes can be fixed), as follows:

"And it is hereby declared that section 6 of the act approved August 16, 1856, and section 40 of the Revised Statutes, have been heretofore repealed."

But when the ye-and-nay vote was taken upon this amendment in the House, on the 24th of last May, the amendment was rejected by a vote of 104 yeas to 128 nays. The record of this vote is found on page 6230 of the CONGRESSIONAL RECORD, of date May 25, 1894. Reference to it will satisfy anyone that the vote was practically a party vote. All the Republicans who voted upon the proposition voted in the affirmative to sustain the declaration that section 40 had been theretofore repealed, and nearly all the Democrats voting voted in the negative, thereby declaring, as the Committee on the Judiciary had reported, that the section had not been repealed, but remains in force. The correctness of the decision of the House, recorded on page 6230 of the RECORD, is fully and formally recognized in this bill now under consideration to repeal section 40, reported by the approving votes of those members of the Judiciary Committee who heretofore solemnly and at length advised the House that section 40 had already been repealed.

As before stated, the majority party in the House determined to insist upon the enforcement of the law as found in section 40, and as the result of that determination the law has been enforced for some time. The good results flowing from its enforcement are found, in part, in the larger average attendance of the Members upon the sessions of the House and in the more rapid consideration and dispatch of business in the House. It is believed by the undersigned that the reason and occasion for the observance and enforcement of the law is quite as great now as when this famous section was brought from the realm of disregarded laws, to which, possibly, the interest of Members of Congress and the complacency of officials of their creation had consigned it for the benefit of Congressmen and to the injury of their constituents. The present session, it is hoped, is nearing its end, and it seems to us that it would be folly in the majority—to employ no harsher or more expressive term—to deprive the House of this valuable and legitimate agency for maintaining a quorum. We believe that if this section be repealed, so that Members who choose to do so may absent themselves at will without forfeiting any portion of their salary on account of such absence, the House will often be without a quorum and therefore powerless to do business when there is the greatest occasion for dispatching business promptly. It is not to be won-

dered that the Republican minority are ready and eager to repeal a law which they so long disregarded, for they are not responsible at this time for the transaction in the House of the public business. That responsibility rests upon the Democratic party, having a majority of the Members of the House. This section can not be repealed, or its efficiency destroyed by amendment in the interest of absentee Members of Congress, unless a considerable number of Democrats join with the compact body of Republicans in Congress to repeal it or render it worthless.

In the report which recommends the repeal of this section 40, it is suggested that many Members evade the law by falsely assigning sickness as the cause for absence from the House. Without pausing to speculate upon this suggestion, and without knowing whether there are or are not sufficient facts to warrant it, we content ourselves with the observation that if Members are taking unearned money from the Treasury by a sacrifice of veracity and a violation of law, the cure for so gross an evil should be found in a more rigid enforcement of the law rather than in its repeal. And we are constrained to remark that if such disregard of truthfulness and violation of law may justly be imputed to any considerable number of Members of the House, it is much to be regretted that the Sergeant-at-Arms of the House and other custodians of the certificates of the several Members, upon which their salaries are drawn monthly, have seen fit to regard such statements as confidential, and have thus far failed to communicate them to the House and denied them to the public. A Member's statement, upon which his monthly allowance of salary is certified and paid, is in no sense a privileged communication or document, and in justice to him, if his statement is an honest one, and in justice to all the people of the United States, if it is dishonest, the statement should be made public. We believe that in this unauthorized and indefensible secrecy is found the basis for suggestions, whether true or false, that Members are drawing salaries to which they are not entitled, upon statements of which they should and, perhaps, would be ashamed. Whatever the facts may be, those facts ought to be made public, for the protection and justification of the innocent, as well as for the detection and condemnation of the guilty, if any.

We suppose no one will pretend that there is anywhere in the country, among any class of the people represented upon the floor of the House, a sentiment in favor of the repeal, or practical nullification by amendment, of this section 40. The legislation proposed in this repeal bill, as well as other legislation suggested to indirectly destroy this section, is in the interest of Congressmen, and in the interest of no other persons whatsoever. It seems a little strange, and is a symptom of which the people, we believe, will take note, that when employment is not easily secured by those willing to work, and when wages, in many instances, are insufficient, some Members of Congress will interest themselves to a greater extent in endeavors to obtain for themselves salaries which they have not earned but have voluntarily refrained from earning, than in efforts, by speedy, practical legislation, to lighten the burdens and better the condition of the masses of their constituents. Thus far the Democratic party has not lent itself, in committee or in the House, to efforts to enable Congressmen or others to filch from the Treasury money of their constituents to which they have neither moral nor legal right. It is hoped that the House, in passing upon the bill to repeal section 40, will regard the good of the public rather than the private, selfish interests of Senators and Representatives in Congress.

Too many Members are away regularly and generally, though they visit the House occasionally. We do not believe they should have the same pay as other Members who lay aside private business, and deny themselves the attractions of the seashore and of mountain resorts, in order that they may be in the House, as a proper discharge of their duties require. Nor do we believe the present or other session should be prolonged at the expense of the public, to the inconvenience of the faithful, and for the benefit of delinquent Members. So long as the philosophy that "the laborer is worthy of his hire" holds good, section 40, or something practically equivalent to it, may well have a place in the law and be enforced, without apology or concealment.

DAVID A. DE ARMOND.
JOSEPH W. BAILEY.
EDWARD LANE.
F. C. LAYTON.
W. L. TERRY.

I join in the foregoing as far as to say that section 40 ought not to be repealed.

T. R. STOCKDALE.

Mr. SMITH of Iowa. Mr. Chairman, I am satisfied that the consideration of the Army bill and the deficiency bill immediately following it has resulted in arousing a great deal of the combative character of Members, and in this moment of peace I would not ask the House to return to the consideration of this to-day, and therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23821, the fortifications appropriation bill, and had come to no resolution thereon.

REVISION OF LAWS.

Mr. SMYSER. Mr. Speaker, on behalf of Mr. Moon of Pennsylvania, from the Joint Committee on Revision of the Laws, I submit the following bill and report.

The SPEAKER. The gentleman from Ohio, from the Joint Committee on Revision of the Laws, submitted a bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23946) to revise, codify, and amend the penal laws of the United States.

The SPEAKER. Referred to the House Calendar.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 27 minutes) the House adjourned until to-morrow at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for quarantine station at Pensacola, Fla.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Navy submitting an estimate of appropriation for payment of a judgment in favor of Francisco R. Cruz—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting, with a copy of a letter from the Attorney-General, a list of judgments rendered against the United States in circuit and district courts of the United States—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an amended estimate of appropriation for maintenance of Howard University—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the President of the Spanish Treaty Claims Commission submitting an estimate of appropriation for award in favor of Peter Duarte—to the Committee on Appropriations, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for completion of public buildings at quarantine station, Portland, Me.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, submitting a report of the amount and postage rates on mail matter sent out from the War Department under the penalty provisions from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the secretary and treasurer of Howard University, submitting a statement of the amount and rates of postage of mail matter sent out by the institution under the penalty provisions from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Postmaster-General submitting recommendation for legislation relative to the bequest of Dr. Charles F. Macdonald—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Margaret A. Proctor, administratrix of estate of Samuel K. Proctor, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of Agriculture, submitting report of the weight and postage rate of mail matter entered at the Washington city post-office from his Department under the penalty provision from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary E. Martin, widow (remarried) of Samson M. Archer, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William A. Attersall against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Martha A. Mullery, widow of James W. Mullery, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin R. Waller against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Benjamin F. Lutman against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Lucius E. Gould, Abby E. Allison, and Mary I. Todd, children of Ebenezer Gould, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George W. Northup against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John W. Robbins against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Charles H. Simmons against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary Speak, widow of Jesse C. Speak, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Ashworth and Adam I. Ashworth, heirs of estate of James Ashworth, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Hiram F. Lyke against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John F. Wells against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Abram Treadwell against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William J. Worthington against The United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bill of the following title was reported from Committee, delivered to the Clerk, and referred to the Calendar therein named, as follows:

Mr. SMITH of California, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 21567) extending time for making final proof in desert-land entries, reported the same without amendment, accompanied by a report (No. 6202); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 2294) granting a pension to John J. Berger, reported the same with amendment, accompanied by a report (No. 6122); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 9673) granting a pension to Oliver H. Griffin, reported the same with amendment, accompanied by a report (No. 6123); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 14046) granting a pension to Jimison F. Skeens, reported the same with amendment, accompanied by a report (No. 6124); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14983) granting an increase of pension

to R. T. D. Zimmerman, reported the same with amendment, accompanied by a report (No. 6125); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 15860) granting an increase of pension to Sarah C. Morris, reported the same with amendment, accompanied by a report (No. 6126); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17484) granting an increase of pension to John E. Gillispie, alias John G. Elliott, reported the same without amendment, accompanied by a report (No. 6127); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 17988) granting a pension to Edward G. Hausen, reported the same with amendment, accompanied by a report (No. 6128); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19263) granting an increase of pension to John Ingram, reported the same with amendment, accompanied by a report (No. 6129); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19271) granting an increase of pension to Joseph J. Branyan, reported the same with amendment, accompanied by a report (No. 6130); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19384) granting an increase of pension to Susan E. Hernandez, reported the same with amendment, accompanied by a report (No. 6131); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19385) granting an increase of pension to Agnes E. Calvert, reported the same with amendment, accompanied by a report (No. 6132); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 19628) granting an increase of pension to Elizabeth Mooney, reported the same with amendment, accompanied by a report (No. 6133); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19869) granting an increase of pension to John E. Bowles, reported the same with amendment, accompanied by a report (No. 6134); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 19994) granting a pension to Kitty M. Lane, reported the same with amendment, accompanied by a report (No. 6135); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20079) granting an increase of pension to Richard F. Barret, reported the same with amendment, accompanied by a report (No. 6136); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20291) granting an increase of pension to Emma F. Buchanan, reported the same with amendment, accompanied by a report (No. 6137); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20356) granting an increase of pension to Mary T. Mathis, reported the same with amendment, accompanied by a report (No. 6138); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20581) granting an increase of pension to Nettie G. Kruger, reported the same with amendment, accompanied by a report (No. 6139); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 20605) granting a pension to Mary E. P. Barr, reported the same without amendment, accompanied by a report (No. 6140); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21033) granting an increase of pension to William P. Huff, reported the same with amendment, accompanied by a report (No. 6141); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21043) granting a pension to Robert J. Dewey, reported the same with amendment, accompanied by a report (No. 6142); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21046) granting a pension to Jesse Haral, reported the same with amendment, accompanied by a report (No. 6143); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21047) granting an increase of pension to Jesse J. Melton, reported the same with amendment, accompanied by a report (No. 6144); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21274) granting an increase of pension to Jeremiah Buffington, reported the same with amendment, accompanied by a report (No. 6145); which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21279) granting an increase of pension to Martin Heller, reported the same with amendment, accompanied by a report (No. 6146); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21322) granting an increase of pension to Elizabeth Wilson, reported the same with amendment, accompanied by a report (No. 6147); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21432) granting an increase of pension to Benjamin Bragg, reported the same without amendment, accompanied by a report (No. 6148); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21470) granting an increase of pension to Mary R. Carroll, reported the same with amendment, accompanied by a report (No. 6149); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21471) granting an increase of pension to Adaline H. Malone, reported the same with amendment, accompanied by a report (No. 6150); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21472) granting an increase of pension to Wiley H. Jackson, reported the same with amendment, accompanied by a report (No. 6151); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21481) granting an increase of pension to Lucy Cole, reported the same with amendment, accompanied by a report (No. 6152); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21496) granting an increase of pension to Samuel B. Davis, reported the same with amendment, accompanied by a report (No. 6153); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21497) granting an increase of pension to Mary E. Hobbs, reported the same with amendment, accompanied by a report (No. 6154); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21529) granting a pension to Charlotte Game, reported the same without amendment, accompanied by a report (No. 6155); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21579) granting a pension to Sarah R. Harrington, reported the same with amendment, accompanied by a report (No. 6156); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21598) granting a pension to Roy L. Jones, reported the same with amendment, accompanied by a report (No. 6157); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21606) granting an increase of pension to Felix G. Morrison, reported the

same with amendment, accompanied by a report (No. 6158); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21612) granting an increase of pension to James S. Hart, reported the same with amendment, accompanied by a report (No. 6159); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21761) granting an increase of pension to John Tims, reported the same with amendment, accompanied by a report (No. 6160); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21882) granting an increase of pension to Frank Breazeale, reported the same with amendment, accompanied by a report (No. 6161); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21883) granting an increase of pension to George W. Saunders, reported the same with amendment, accompanied by a report (No. 6162); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 21886) granting an increase of pension to John Bryant, reported the same with amendment, accompanied by a report (No. 6163); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21887) granting an increase of pension to James H. Hayman, reported the same with amendment, accompanied by a report (No. 6164); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21888) granting an increase of pension to Andrew Canova, reported the same with amendment, accompanied by a report (No. 6165); which said bill and report were referred to the Private Calendar.

Mr. MACON, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22024) granting an increase of pension to Eldrige Underwood, reported the same with amendment, accompanied by a report (No. 6166); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22073) granting an increase of pension to Eliza M. Scott, reported the same with amendment, accompanied by a report (No. 6167); which said bill and report were referred to the Private Calendar.

Mr. BENNETT of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22241) granting an increase of pension to Stephen Robinson, reported the same with amendment, accompanied by a report (No. 6168); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22243) granting an increase of pension to James W. Campbell, reported the same with amendment, accompanied by a report (No. 6169); which said bill and report were referred to the Private Calendar.

Mr. AIKEN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22264) granting an increase of pension to Sibby Barnhill, reported the same with amendment, accompanied by a report (No. 6170); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22265) granting an increase of pension to Elizabeth Jane Hencher, reported the same with amendment, accompanied by a report (No. 6171); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22266) granting an increase of pension to Delphie Thorne, reported the same without amendment, accompanied by a report (No. 6172); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22306) granting an increase of pension to Louisa Duncan, reported the same with amendment, accompanied by a report (No. 6173); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22310) granting an increase of pension to Mary A. Kerr, reported the same without amendment, accompanied by a report (No. 6174); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22409) granting an increase of pension to Margaret A. McAdoo,

reported the same with amendment, accompanied by a report (No. 6175); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22420) granting an increase of pension to Edward Wesley Ward, reported the same with amendment, accompanied by a report (No. 6176); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Kentucky, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22422) granting an increase of pension to William J. Johnson, reported the same with amendment, accompanied by a report (No. 6177); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22444) granting an increase of pension to W. O. Anderson, reported the same with amendment, accompanied by a report (No. 6178); which said bill and report were referred to the Private Calendar.

Mr. LONGWORTH, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22827) granting an increase of pension to Mary Kirk, reported the same with amendment, accompanied by a report (No. 6179); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22829) granting an increase of pension to George Spalding, reported the same with amendment, accompanied by a report (No. 6180); which said bill and report were referred to the Private Calendar.

Mr. RICHARDSON of Alabama, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22881) granting an increase of pension to Thomas L. Williams, reported the same with amendment, accompanied by a report (No. 6181); which said bill and report were referred to the Private Calendar.

Mr. DICKSON of Illinois, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22941) granting an increase of pension to Lucinda Davidson, reported the same with amendment, accompanied by a report (No. 6182); which said bill and report were referred to the Private Calendar.

Mr. McLAIN, from the Committee on Pensions, to which was referred the bill of the House (H. R. 22993) granting an increase of pension to Emily Hebernia Trabue, reported the same with amendment, accompanied by a report (No. 6183); which said bill and report were referred to the Private Calendar.

Mr. CAMPBELL of Kansas, from the Committee on Pensions, to which was referred the bill of the House (H. R. 23307) granting an increase of pension to Andrew Casey, reported the same with amendment, accompanied by a report (No. 6184); which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred the bill of the Senate (S. 5138) granting a pension to Jane Metts, reported the same without amendment, accompanied by a report (No. 6185); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6001) granting an increase of pension to Emily Killian, reported the same without amendment, accompanied by a report (No. 6186); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6230) granting an increase of pension to Nellie Paxton, reported the same without amendment, accompanied by a report (No. 6187); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6266) granting an increase of pension to Paul Baker, reported the same without amendment, accompanied by a report (No. 6188); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6368) granting an increase of pension to Sherrod Hamilton, reported the same without amendment, accompanied by a report (No. 6189); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6538) granting an increase of pension to Betsey A. Hodges, reported the same without amendment, accompanied by a report (No. 6190); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6833) granting an increase of pension to Bettie May Vose, reported the same with amendment, accompanied by a report (No. 6191); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the Senate (S. 6978) granting an increase of pension to Samuel Jackson, reported the same without amendment, accompanied by a report (No. 6192); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 822) granting a pension to Michael V. Hennessey, reported the same with amendment, accompanied by a report (No. 6194); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4510) granting an increase of pension to Rufus C. Allen, reported the same without amendment, accompanied by a report (No. 6195); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4542) granting an increase of pension to Aaron Daniels, reported the same without amendment, accompanied by a report (No. 6196); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 4908) granting an increase of pension to William H. Kimball, reported the same with amendment, accompanied by a report (No. 6197); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5001) granting an increase of pension to Louis A. Baird, reported the same with amendment, accompanied by a report (No. 6198); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5041) granting an increase of pension to George A. Tucker, reported the same with amendment, accompanied by a report (No. 6199); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 5084) granting a pension to John W. Connell, reported the same without amendment, accompanied by a report (No. 6200); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6367) granting an increase of pension to Joseph Johnston, reported the same without amendment, accompanied by a report (No. 6201); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PUJO: A bill (H. R. 23926) authorizing a survey of Plaquemine Brule Bayou, in Acadia Parish, La.—to the Committee on Rivers and Harbors.

By Mr. MARTIN: A bill (H. R. 23927) excepting certain lands in Pennington County, S. Dak., from the operation of the provisions of section 4 of an act approved June 11, 1906, entitled "An act to provide for the entry of agricultural lands within forest reserves"—to the Committee on the Public Lands.

By Mr. BRICK: A bill (H. R. 23928) to incorporate the Hungarian Reformed Federation of America—to the Committee on the Judiciary.

By Mr. BEDE: A bill (H. R. 23929) for the establishment of a light-house on Knife Island, north shore of Lake Superior—to the Committee on Interstate and Foreign Commerce.

By Mr. STANLEY: A bill (H. R. 23930) authorizing a survey of Pond River, Kentucky, and for other purposes—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 23931) authorizing a survey of Trade-water River, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND: A bill (H. R. 23932) to provide for the marking of rates of tariff duty upon manufactured articles and to fix the punishment for the violation of the provisions thereof—to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama (by request): A bill (H. R. 23933) to authorize the Mobile Railway and Dock Company to dredge a channel from the 30-foot curve on the west side of the deep water in Mobile Bay into Dauphin Island Bay, through Pass Drury—to the Committee on Rivers and Harbors.

By Mr. GREGG: A bill (H. R. 23934) making an appropriation for construction of sea walls and embankments for the protection of the sites of fortification works for the defense of Galveston, Tex.—to the Committee on Appropriations.

By Mr. LEE: A bill (H. R. 23935) to provide for a public building in the city of Cedartown, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 23936) to provide for the erection of a public building in the city of Cartersville, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. COOPER of Wisconsin: A bill (H. R. 23937) to provide for the establishment of an agricultural bank in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. MOORE of Texas: A bill (H. R. 23938) to establish a subtreasury at Houston, Tex.—to the Committee on Ways and Means.

By Mr. CRUMPACKER: A bill (H. R. 23939) to authorize the board of commissioners of Lake County, Ind., to construct a bridge across the Calumet River in the State of Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Maine: A bill (H. R. 23940) for the extension of Albemarle street, NW., District of Columbia—to the Committee on the District of Columbia.

By Mr. BABCOCK: A bill (H. R. 23941) to amend section 14 of the act approved July 29, 1892, entitled "An act for the preservation of the public peace and the protection of property within the District of Columbia"—to the Committee on the District of Columbia.

By Mr. PEARRE: A bill (H. R. 23942) for the erection of a public building at Rockville, Md.—to the Committee on Public Buildings and Grounds.

By Mr. OVERSTREET of Georgia: A bill (H. R. 23943) to provide for the purchase of additional ground at Savannah, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. GREGG: A bill (H. R. 23944) to establish a subtreasury at Galveston, Tex.—to the Committee on Ways and Means.

By Mr. AIKEN: A bill (H. R. 23945) to abolish the Spanish Treaty Claims Commission and transfer its jurisdiction to the Court of Claims—to the Committee on the Judiciary.

By Mr. MOON of Pennsylvania, from the Joint Committee on Revision of the Laws: A bill (H. R. 23946) to revise, codify, and amend the penal laws of the United States—to the House Calendar.

By Mr. CALDER: A bill (H. R. 23947) to provide for the flagging of the sidewalk in front of the navy-yard at Brooklyn, N. Y.—to the Committee on Naval Affairs.

By Mr. MADDEN: A resolution (H. Res. 739) requesting certain information from the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

By Mr. MURPHY: A resolution (H. Res. 741) providing for an investigation as to discrimination and arrests of officials and employees of the Baltimore and Ohio Railroad Company in connection with the Terra Cotta disaster—to the Committee on Rules.

By Mr. ROBINSON of Arkansas: A resolution (H. Res. 742) requesting certain information from the President of the United States concerning a letter addressed to Thomas E. Drake, superintendent of insurance for the District of Columbia—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 23948) granting an increase of pension to Edward N. Havens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23949) granting leave to the executors or administrators of the estate of Isadore Termini, deceased, to commence an action against the United States of America for the alleged wrongful act in causing his death—to the Committee on the Judiciary.

By Mr. ANDRUS: A bill (H. R. 23950) granting a pension to Mary Elizabeth McCann—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 23951) granting an increase of pension to Hiram Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23952) granting an increase of pension to Hiram N. Wallace—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: A bill (H. R. 23953) granting a pension to William J. Shedd—to the Committee on Pensions.

Also, a bill (H. R. 23954) granting a pension to Sarah L. Bowen—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 23955) granting an increase of pension to Faris McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23956) granting an increase of pension to William Applegate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23957) granting an increase of pension to John Heinrichs—to the Committee on Pensions.

Also, a bill (H. R. 23958) granting an increase of pension to Thomas W. Parsons—to the Committee on Pensions.

Also, a bill (H. R. 23959) granting an increase of pension to Henry R. Snapp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23960) granting an increase of pension to Delmore Daulton—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 23961) granting an increase of pension to Oscar N. Cowell—to the Committee on Invalid Pensions.

By Mr. BRICK: A bill (H. R. 23962) granting an increase of pension to Peter Selner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23963) granting an increase of pension to Jesse Dell—to the Committee on Invalid Pensions.

By Mr. BRUMM: A bill (H. R. 23964) granting an increase of pension to James D. Bartholomew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23965) granting an increase of pension to Charles Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23966) granting an increase of pension to Hugh Stevenson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23967) granting an increase of pension to Henry Hill—to the Committee on Invalid Pensions.

By Mr. BURKE of Pennsylvania: A bill (H. R. 23968) granting an increase of pension to Alexander McWhorter—to the Committee on Invalid Pensions.

By Mr. BUTLER of Pennsylvania: A bill (H. R. 23969) granting an increase of pension to William Morson—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 23970) granting a pension to James Megher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23971) granting an increase of pension to Mary E. C. Butler—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 23972) granting a pension to Keziah C. Woods—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 23973) granting an increase of pension to Henry L. Reger—to the Committee on Pensions.

By Mr. CUSHMAN: A bill (H. R. 23974) granting an increase of pension to John P. Bennett—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 23975) granting an increase of pension to William H. Watson—to the Committee on Invalid Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 23976) granting an increase of pension to Henry J. Remington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23977) granting an increase of pension to James Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23978) granting an increase of pension to Alexander Herrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23979) granting an increase of pension to William Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23980) granting an increase of pension to Russell B. Hollingsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23981) granting an increase of pension to Sarah Elizabeth Fuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23982) granting an increase of pension to Thomas A. Seed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23983) granting an increase of pension to Elisha R. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23984) granting an increase of pension to Jacob Miller—to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 23985) granting an increase of pension to Jeremiah McIntosh—to the Committee on Invalid Pensions.

By Mr. FASSETT: A bill (H. R. 23986) granting an increase of pension to Henry Perry—to the Committee on Invalid Pensions.

By Mr. FLOOD: A bill (H. R. 23987) granting an increase of pension to Lucy Scott West—to the Committee on Pensions.

By Mr. FLOYD: A bill (H. R. 23988) to authorize a patent to be issued to Martha Sanders, widow of Levi B. Sanders, for certain lands therein described—to the Committee on the Public Lands.

By Mr. GOULDEN: A bill (H. R. 23989) for the relief of Harvey B. Denison—to the Committee on Military Affairs.

By Mr. GRANGER: A bill (H. R. 23990) granting an increase of pension to Thomas Rice—to the Committee on Invalid Pensions.

By Mr. HEPBURN: A bill (H. R. 23991) granting an increase of pension to Nathaniel T. Carrington—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 23992) for the relief of the estate of William R. Poole, deceased—to the Committee on War Claims.

By Mr. HOWELL of Utah: A bill (H. R. 23993) for the relief of Harry A. Young—to the Committee on Military Affairs.

Also, a bill (H. R. 23994) granting an increase of pension to William Q. Anderson—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 23995) granting a pension to Timothy B. Sprague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23996) granting a pension to Stella Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23997) granting an increase of pension to Michael M. Field—to the Committee on Pensions.

Also, a bill (H. R. 23998) granting an increase of pension to John J. Shea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23999) granting an increase of pension to John F. Gough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24000) granting an increase of pension to Mary Holle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24001) granting an increase of pension to Isabella A. Bowdlear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24002) granting an increase of pension to Michael F. Gilrain—to the Committee on Pensions.

Also, a bill (H. R. 24003) granting an increase of pension to Nora Burke—to the Committee on Pensions.

Also, a bill (H. R. 24004) granting an increase of pension to Margaret Drum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24005) granting an increase of pension to James Farus—to the Committee on Invalid Pensions.

By Mr. KLINE: A bill (H. R. 24006) granting an increase of pension to Augustus Shiery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24007) granting an increase of pension to James M. Deiner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24008) granting an increase of pension to Augustus Ritter—to the Committee on Invalid Pensions.

By Mr. KNAPP: A bill (H. R. 24009) granting an increase of pension to Calvin J. Ripley—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 24010) granting a pension to Charles F. Pereira—to the Committee on Invalid Pensions.

By Mr. LEE: A bill (H. R. 24011) for the relief of the estate of Aleck Baswell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24012) for the relief of the estate of Gunther Peters—to the Committee on War Claims.

Also, a bill (H. R. 24013) for the relief of the estate of Nancy Cates, deceased—to the Committee on War Claims.

Also, a bill (H. R. 24014) for the relief of the estate of William B. Quinn, deceased—to the Committee on War Claims.

By Mr. LILLEY of Connecticut: A bill (H. R. 24015) granting a pension to Aaron C. Sanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24016) granting a pension to Joanna Glosster—to the Committee on Invalid Pensions.

By Mr. MCKINLAY of California: A bill (H. R. 24017) granting an increase of pension to Timothy Hanlon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24018) granting an increase of pension to John Adams Miller—to the Committee on Pensions.

Also, a bill (H. R. 24019) granting an increase of pension to John Brown—to the Committee on Pensions.

By Mr. MACON: A bill (H. R. 24020) to carry out the findings of the Court of Claims in the case of Richard D. Lamb for himself and, as administrator of Ira M. Lamb, heirs of Ira M. Lamb and Caroline, his wife—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 24021) granting an increase of pension to John Ampey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24022) to correct the military record of Morris H. Walker—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 24023) granting an increase of pension to Joseph N. Clark—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 24024) for the relief of the estates of W. M. Purcell and Martha Purcell, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: A bill (H. R. 24025) granting an increase of pension to Nehemiah Tindall—to the Committee on Pensions.

Also, a bill (H. R. 24026) for the relief of the heirs of Dr. John W. Kirk, deceased—to the Committee on War Claims.

By Mr. REYNOLDS: A bill (H. R. 24027) granting a pension to Jonathan Derno—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24028) granting a pension to George H. Boney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24029) granting an increase of pension to Jacob A. Glass—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24030) granting an increase of pension to Andrew J. Poor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24031) granting an increase of pension to John Downey—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 24032) for the relief of E. Scott Arrington—to the Committee on Claims.

By Mr. SHARTEL: A bill (H. R. 24033) to carry out the findings of the Court of Claims in the case of Abram Jones—to the Committee on Claims.

By Mr. SHEPPARD: A bill (H. R. 24034) granting an increase of pension to Mary I. Banta—to the Committee on Invalid Pensions.

By Mr. SMALL: A bill (H. R. 24035) granting a pension to Mary A. Whitecomb—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 24036) granting an increase of pension to James B. Lyon—to the Committee on Invalid Pensions.

By Mr. SMYSER: A bill (H. R. 24037) granting an increase of pension to Theodore Teeple—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 24038) granting an increase of pension to Julia Bourdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 24039) granting an increase of pension to Joseph Bogart—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 24040) granting an increase of pension to Joseph A. Harkins—to the Committee on Invalid Pensions.

By Mr. TRIMBLE: A bill (H. R. 24041) granting an increase of pension to S. F. South—to the Committee on Pensions.

By Mr. WATSON: A bill (H. R. 24042) relating to a plaster model of an equestrian statue of Gen. John A. Rawlins—to the Committee on Appropriations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 8912) granting a pension to Anson Greenwood—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BANNON: Petitions of Gallia Council, No. 114, Daughters of America, and Kyzer Council, No. 154, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BARCHFELD: Petitions of citizens of Alvarado, Tex.; Adams County, Ohio; Lebanon, Mo., and Allegheny, Pa., against bill S. 5221, relative to practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARTHOLDT: Petition of New Immigrants' Protective League, against the Lodge-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BELL of Georgia: Paper to accompany bill for relief of Cynthia M. Bryon—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Levinfield Stanley—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of John Heinrichs—to the Committee on Invalid Pensions.

Also, petition of Big Sandy News, Louisa, Ky., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Delmore Daulton—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of W. P. Adkins—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of Henry R. Snapp, Carl F. Reickert, and Faris McFarlane—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of George Ingram—to the Committee on Military Affairs.

By Mr. BIRDSALL: Petition of citizens of Hampton and Waverly, Iowa, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BROOKS of Colorado: Petitions of the Herald Printing Company, the Victor Daily Record, and the Daily Oklahoman, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Colorado Springs, Colo., for free-art legislation in accordance with bill H. R. 15268—to the Committee on Ways and Means.

By Mr. BURKE of Pennsylvania: Petitions of General Putnam Council, No. 61, Daughters of Liberty; Saratoga Council, No. 262; Bainbridge Council, No. 128, and Aleuippa Council, No. 567, Junior Order United American Mechanics; Golden Rule Council, No. 32, and Lucy Webb Hayes Council, No. 35, Daughters of Liberty; and General Putnam Council, No. 125, and Sherwood Council, No. 160, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the New York State Pharmaceutical Association, for increased efficiency of the Medical Department of the United States Army—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of George W. Stormer—to the Committee on Invalid Pensions.

Also, petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen, of Pittsburg, Pa., indorsing the Merchant Marine Commission's shipping bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Colloynium Club, of Pittsburg, Pa., for repeal of the duty on works of art—to the Committee on Ways and Means.

Also, petition of the New Era Club of Western Pennsylvania, of Pittsburg, for repeal of the duty on art works—to the Committee on Ways and Means.

By Mr. BURLEIGH: Papers to accompany bills for relief of Michael Andrews, jr., Hollis M. Payson, and Ripley C. Whitcomb—to the Committee on Invalid Pensions.

By Mr. BURTON of Ohio: Petition of the Hiawathas, of Cleveland, Ohio, for the enactment of bill H. R. 17949, for maintenance of the Betsy Ross House, Philadelphia—to the Committee on Appropriations.

Also, paper to accompany bill for relief of James J. Erwin—to the Committee on War Claims.

By Mr. BUTLER of Pennsylvania: Petition of citizens of Haverford, Pa., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Keziah C. Wood—to the Committee on Invalid Pensions.

By Mr. DUNWELL: Petition of the Seamen's Union of America, against the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of American artists, for free art and against duty on art works—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of Graham Williams—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of J. W. Richardson & Son, for an amendment to the interstate-commerce law permitting contracts to exchange advertising for transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of Cincinnati ex-prisoners of war, for the Dalzell bill to pension Union ex-prisoners of war—to the Committee on Invalid Pensions.

Also, petition of the Mission Promotion Association of San Francisco, for removal of the duty on building material for rebuilding of said city—to the Committee on Ways and Means.

By Mr. HARDWICK: Paper to accompany bill for relief of Charles Blacker—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: Petition of officers of the Navy in the civil war and the Spanish war, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. HILL of Connecticut: Petition of the Evening Sentinel, of South Norwalk, and Eaton & Mains, of New York City, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of William Truett—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of residents of Hamilton, N. J., for the McCumber-Sperry-Tirrell bill—to the Committee on Alcoholic Liquor Traffic.

Also, paper to accompany bill for relief of Mary H. Patterson—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of the Spanish War Veterans of San Francisco, Cal., for repeal of the anticanteen law—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of governors of New England States and prominent business houses, for establishment of eastern forest reservation—to the Committee on Agriculture.

Also, petition of the State board of agriculture of Massachusetts, for a more liberal appropriation for the suppression of the gipsy and brown-tail moths—to the Committee on Agriculture.

Also, petition of the State Camp of New Mexico, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of the Boston Marine Society, for bill S. 528 (the subsidy shipping bill)—to the Committee on the Merchant Marine and Fisheries.

By Mr. KLINE: Paper to accompany bill for relief of Augustus Shlery—to the Committee on Invalid Pensions.

Also, petitions of the Reading (Pa.) Telegram and the Welt Bote and Frieden's Bote, of Allentown, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of Benton Freeman—to the Committee on War Claims.

By Mr. LILLEY: Papers to accompany bills for relief of Aaron C. Sanford and Joanna Gloster—to the Committee on Invalid Pensions.

By Mr. MCCARTHY: Petitions of the Omaha Commercial Club and the Omaha Grain Exchange, for an appropriation for improvement of Missouri River near Omaha—to the Committee on Rivers and Harbors.

By Mr. MCKINLAY of California: Petition of Veterans of the Civil and Spanish Wars, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. MCKINNEY: Paper to accompany bill for relief of Clarence A. McIntosh—to the Committee on War Claims.

By Mr. MARTIN: Petition of citizens of Deadwood, S. Dak., for restoration of the Army canteen—to the Committee on Military Affairs.

Also, petition of citizens of Cascade Springs, S. Dak., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MOORE: Paper to accompany bill for relief of Jacob B. Haslam—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of the Daily Register, Sandusky, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of R. J. Kistner Council, No. 3, of Fostoria, Ohio; Bucyrus Council, No. 184; Seneca Council, No. 58; Wyandot Council, No. 95, and Sycamore Council, No. 333, Junior Order United American Mechanics, for restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. NORRIS: Paper to accompany bill for relief of Benjamin J. McConnell—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of heirs of Dr. John W. Kirk—to the Committee on War Claims.

Also, paper to accompany bill for relief of Nehemiah Tindall—to the Committee on Pensions.

By Mr. PEARRE: Petition of the Brotherhood of St. Paul of the First Methodist Episcopal Church of Baltimore, Md., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. RAINEY: Petition of citizens of Arenzville, Ill., for an appropriation for deepening the channels of the Illinois and Mississippi rivers—to the Committee on Rivers and Harbors.

Also, petition of citizens of Calhoun County, Ill., for a deep waterway from the Lakes to the Gulf—to the Committee on Rivers and Harbors.

By Mr. REYNOLDS: Papers to accompany bills for relief of the widow of Joseph S. Bussard, Daniel Lamberton, Jacob Glass, Jonathan Derno, Capt. John Downey, George H. Boney, and Andrew J. Foor—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Arkansas: Petition of R. W. Dunway et al., for an appropriation of \$50,000,000 for improvement of waterways—to the Committee on Rivers and Harbors.

Also, petition of S. A. Miller et al. and citizens of Arkansas, against the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of A. J. Walls, of Lonoke, Ark.; D. E. Baker et al., and T. W. Abbott et al., for cotton demonstration work—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Walter C. Hudson—to the Committee on War Claims.

By Mr. SHEPPARD: Petitions of citizens of Clarksdale, Tex.; Sterrett, Ind. T.; Petty, Tex., and Hugo, Ind. T., for an appropriation for improvements in the upper Red River—to the Committee on Rivers and Harbors.

By Mr. TAYLOR of Ohio: Paper to accompany bill for relief of Washington Kurtzman—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Hiram G. McLemore—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, January 11, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when (on request of Mr. KEAN, and by unanimous consent) the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

AGRICULTURAL DEPARTMENT MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a record of mail matter entered at the Washington City post-office under the penalty privilege by the Department of Agriculture; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

GEORGETOWN BARGE, DOCK AND ELEVATOR RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock and Elevator Railway Company for the fiscal year ended December 31, 1906; which was referred to the Committee on the District of Columbia, and ordered to be printed.

FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Harry N. Stearns, administrator of Francis Josselyn, deceased, *v. The United States*;

In the cause of Adelaide B. Lindenberger *v. The United States*; and

In the cause of James Boro and Mary Boro, heirs of James Boro, deceased, *v. The United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented resolutions adopted by the Catholic Federation of Cleveland, Ohio, relative to the treatment by the Republic of France of Catholics in that country; which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Business League of Chicago, Ill., praying for the enactment of legislation to revise the public-land laws of the United States; which was referred to the Committee on Public Lands.

He also presented a petition of the National Business League of Chicago, Ill., praying for a reorganization of the consular service of the United States; which was referred to the Committee on Foreign Relations.

Mr. FRYE presented a petition of the congregation of the Friends Church of Winthrop Center, Me., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Medical Society of the District of Columbia, of Washington, D. C., praying for the enactment of legislation providing for the reclamation of Anacostia Flats in that District; which was referred to the Committee on the District of Columbia.

Mr. KEAN presented memorials of sundry citizens of Trenton, Jersey City Heights, Elizabeth, Bridgeton, Washington, and Gloucester County, all in the State of New Jersey, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented the petition of Rev. John E. Parmly, of Atlantic Highlands, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOR, a Senator from the State of Utah; which was ordered to lie on the table.

He also presented a petition of the New Jersey State Federation of Women's Clubs, praying for the enactment of legislation to regulate child labor in the District of Columbia; which was ordered to lie on the table.

Mr. PERKINS presented a petition of the Farmers' Institute of Glendora, Cal., praying for the enactment of legislation for the protection of animals, birds, and fish in the forest reserves of California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented memorials of sundry citizens of Los Angeles, Cal., remonstrating against the enactment of legislation requir-